



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

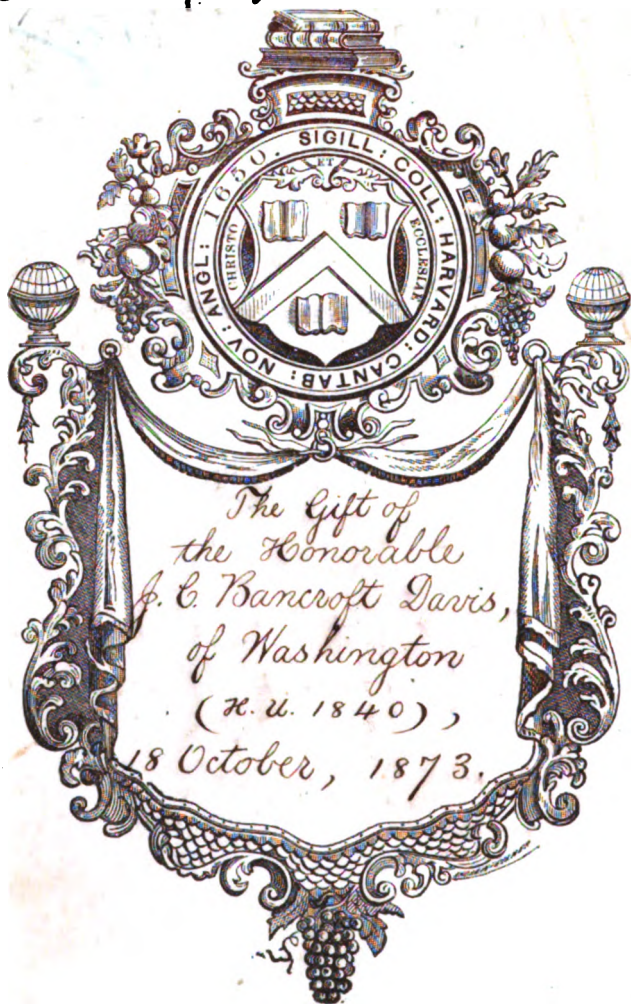
- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

US 1614.2

Recd. June, 1874.



NOTES

UPON THE

~~TREATIES OF THE UNITED STATES~~

Harvard College Library

With the respects of

A. C. Bauer of Davis.

Washington, Oct. 1873.

THE TREATIES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1873.

~~392, 20~~
US 1614.2

1873, Oct. 78

'82' 7

J. C. Bennett Jones,

Washington.

(L. N. 240)

ERRATA IN THE "NOTES."

In counting the lines Titles are omitted.

- Page 10, foot-note "4," before "Secret" insert "2."
 Page 12, foot-note "3," for "14" read "4."
 Page 13, line 10, for "convention" read "conventions".
 Page 16, line 19, after "be" insert "so".
 Page 17, line 41, for "Con," read "Con-".
 Page 24, line 42, for "reconnaissance" read "reconnaissance".
 Page 25, line 6, for "modifice" read "modifiée".
 Page 25, line 8, for "entendue" read "entendu".
 Page 25, line 8, for "renoncent" read "renoncent".
 Page 25, line 9, for "prétensions" read "prétentions".
 Page 25, line 9, for "articles" read "article".
 Page 25, line 10, for "accueillirait" read "accueillirait".
 Page 25, line 11, for "indemnité" read "indemnité".
 Page 25, line 12, for "corsaires" read "corsaires".
 Page 27, foot-note "2," for "Wiedman" read "Wildman".
 Page 36, line 28, for "la" read "le".
 Page 36, line 28, for "adressant" read "adressant".
 Page 37, line 10, for "l'a Article" read "l'Article".
 Page 38, line 23, for "articulo" read "artículo".
 Page 38, line 24, for "a" read "á".
 Page 38, line 25, for "el" read "el".
 Page 38, line 26, for "proximo" read "próximo".
 Page 39, line 27, for "laws that should" read "that laws should".
 Page 42, last line, after "captors" insert "or had satisfactorily accounted for the failure to do so".
 Page 42, foot-note "3," erase "and Pinckney" and insert after "State" "July 1, 1799".
 Page 43, foot-note "3," for "E. g." read "e. g".
 Page 46, line 1, for "Andes," read "Andes".
 Page 52, foot-note "3," after "495" insert "See also Ib. 565".
 Page 52, foot-note "4," strike out "See also Ib. 565".
 Page 60, line 29, for "Kane's" read "Kaine's".
 Page 61, foot-note 10, for "Wheaton" read "Wharton".
 Page 67, foot-note "4," for "Favchet" read "Fauchet".
 Page 67, foot-note "7," for "Fanchet" read "Fauchet".
 Page 69, foot-note "33," for "11" read "II".
 Page 70, foot-note "4," for "Favchet" read "Fauchet".
 Page 70, foot-note "33," for "Favchet" read "Fauchet".
 Page 72, line 22, for "états-unis" read "États-Unis".
 Page 72, line 23, for "précable" read "préalable".
 Page 72, line 25, for "ajouts a" read "ajouta".
 Page 72, foot-note "1," for "Ib." read "1 F. R. F".
 Page 72, foot-note "4," strike out the whole reference.
 Page 75, line 19, for "wellh" read "well".
 Page 76, line 23, for "he" read "the".
 Page 76, line 32, after "acts" insert "for".
 Page 76, line 2, foot-note, before "2 annals" insert "7".
 Page 77, line 41, after "1800" insert "3".
 Page 78, line 31, for "reserver" read "réserver".
 Page 83, foot-note "3," for "II" read "XI".
 Page 94, foot-note "3," after "574" insert "See also 3 F. R. F. 90 and 97".
 Page 98, line 3, for "saw" read "said".
 Page 102, line 24, for "suggestions" read "suggestion".
 Page 102, line 40, for "pas" read "was".
 Page 107, line 16, for "the question" read "that question".
 Page 123, foot-note "6," for "1792" read "1798".
 Page 137, line 11, for "It" read "It".
 Page 141, line 28, for "articulo" read "artículo".
 Page 141, line 29, for "fuérou" read "fueron".
 Page 141, line 30, for ";" read ":".
 Page 142, line 2, for "unicamente" read "únicamente".
 Page 148, line 14, for "dépuis" read "depuis".
 Page 148, line 23, for "dépuis" read "depuis".
 Page 153, line 36, for "1808" read "1802".
 Page 154, line 30, for "1843" read "1823".

AVANT—PROPOS.

The matter contained in this pamphlet forms part of the Revised Edition of a volume of Treaties which was originally printed by order of Congress in 1871. The compiler has caused a few copies to be printed in this form, in the hope that they may be found useful to those interested in this branch of public law. He is under the impression that there is no other key to the interesting matter scattered through the public documents of the United States, which covers exactly the ground covered by these "Notes;" and he is not aware of any analysis of the Treaties as complete as he has endeavored to make the one reprinted herewith. The references in the accompanying List of Treaties, and Indices, are to the paging in the original volume of Treaties.

The official publications respecting Foreign Relations are the following: 1. The Diplomatic Correspondence from 1776 to 1783, edited by Jared Sparks, and originally printed in Boston, in 1823, in twelve volumes. The citations in these Notes are from a reprint, in six volumes, in Washington, in 1857, the references to which are made thus: "D. C. 1776-'83."—2. The Diplomatic Correspondence from 1783 to 1789 was printed in Washington in 1837, in three volumes, and is thus referred to in the Notes: "D. C. 1783-'89."—3. The correspondence from 1789 to 1828, inclusive, is collected in six folio volumes, entitled "American State Papers, Class 1, Foreign Relations." These volumes are referred to as the Folio Edition of the Foreign Relations, and are cited thus: "F. R. F."—4. No collection of papers was made between 1828 and 1861. The references during this period are therefore made to the Congressional classification of the documents, thus: Senate Executive Document, 1st Session 30th Congress, "S. E. Doc., 1st Sess. 30th Cong.," &c.; House Reports, "H. R.;" House Miscellaneous, "H. M.," &c.—5. The correspondence which accompanied President Lincoln's and President Johnson's Annual Messages is contained in seventeen volumes, and is referred to thus: "D. C., 1866, part 1," (Diplomatic Correspondence, 1866, part 1.)—6. In 1869 no papers accompanied the President's Message. Since 1869 the papers with the Annual Message, including consular dispatches, have been styled (as before 1861) "Foreign Relations," and are so referred to—(*e. g.*, F. R., 1870, &c.)—7. From 1861 to date other papers have also been sent to Congress, from time to time, and are referred to in their order in the Congressional Series.

The Statutes at Large are cited "St. at L." The Annals of Congress extend to the 2d Session 18th Congress, and are cited thus: "Annals 1st Sess. 10th Cong." The debates include the 2d Session 18th Con-

gress, and extended to the 2d Session of the 25th Congress, and are cited thus: "4 Debates, 2274." The Congressional Globe is cited thus: "Globe, 1st Sess. 30th Cong." The opinions of the Attorneys-General are cited thus: "1 Op. At.-Gen." The papers relating to the Treaty of Washington are referred to thus: "Pap. rel. Tr. W." They constitute the first four volumes of the House Executive Document 1, 3d Session 42d Congress, and also volumes 2, 3, 4, and 5 of the Foreign Relations for 1872.

In all cases where there is more than one volume in a series the number of the volume precedes the reference to the series, and the number of the page follows it, thus: "4 F. R. F., 250," volume 4, folio edition of the Foreign Relations, page 250.

J. C. BANCROFT DAVIS.

WASHINGTON, *September*, 1873.

LIST OF THE TREATIES AND CONVENTIONS WITH FOREIGN POWERS, CHRONOLOGICALLY ARRANGED

I. Prior to the organization under the Constitution, 1778 to March 4, 1789.

	Page
1778. February 6.....France.....Alliance.....	241
February 6.....France.....Amity and commerce.....	244
February 6.....France.....Act separate and secret.....	254
1782. July 16.....France.....Payment of loan.....	254
October 8.....Netherlands.....Amity and commerce.....	607
October 8.....Netherlands.....Recaptured vessels.....	616
November 30.....Great Britain.....Provisional articles preliminary to peace.....	309
November 30.....Great Britain.....Separate article.....	312
1783. January 20.....Great Britain.....Armistice.....	312
February 23.....France.....New loan.....	258
April 3.....Sweden.....Amity and commerce.....	799
April 3.....Sweden.....Separate articles.....	807
September 3.....Great Britain.....Peace.....	314
1785. July 9 and 28, August 5, and September 10.....Prussia.....Amity and commerce.....	707
1787. January.....Morocco.....Peace and friendship.....	568
January.....Morocco.....Additional article.....	592
1788. November 14.....France.....Consuls.....	260

II. President Washington's Administration : March 4, 1789 to March 4, 1797.

1794. November 19.....Great Britain.....Peace, amity, commerce, navigation, boundary, claims, extradition.....	318
November 19.....Great Britain.....(Additional article.) Suspending part of 12th article.....	333
1795. September 5.....Algiers.....Peace and amity.....	9
October 27.....Spain.....Friendship, limits, and navigation.....	776
1796. May 4.....Great Britain.....Article explanatory of 3d article of treaty of 1794.....	333
November 4.....Tripoli.....Peace, friendship, navigation, &c.....	837

III. President John Adams's Administration : March 4, 1797 to March 4, 1801.

1797. August.....Tunis.....Peace, friendship, navigation, &c.....	846
1798. March 15.....Great Britain.....Article explanatory of 5th article of treaty of 1794.....	334
1799. July 11.....Prussia.....Amity and commerce.....	715
1800. September 30.....France.....Peace, commerce, navigation, fisheries, &c.....	266

IV. President Jefferson's Administration : March 4, 1801 to March 4, 1809.

1802. January 8.....Great Britain.....Additional convention to treaty of 1794.....	336
August 11.....Spain.....Indemnity.....	784
1803. April 30.....France.....Cession of Louisiana.....	275
April 30.....France.....Payment of 60,000,000 francs by the United States.....	278
April 30.....France.....Claims against France to be paid.....	279
1805. June 4.....Tripoli.....Peace, friendship, navigation, &c.....	840

V. President Madison's Administration, March 4, 1809 to March 4, 1817.

1814. December 24.....Great Britain.....Peace, boundary, slave-trade.....	338
1815. July 3.....Great Britain.....Commerce, duties, consuls.....	344
June 30, July 6, Algiers.....Peace and amity.....	14
November 24.....Great Britain.....Declaration relative to St. Helena, as residence of Bonaparte.....	347
1816. September 4.....Sweden.....Amity and commerce.....	809
December 22, 23, Algiers.....Peace and amity.....	18

VI. President Monroe's Administration, March 4, 1817 to March 4, 1825.

1817. April 28.....Great Britain.....Arrangement for armed vessels on the Lakes.....	348
November 24.....Great Britain.....Declaration of Commissioners respecting boundary.....	348
November 24.....Great Britain.....Decision of Commissioners respecting boundary.....	349
1818. October 20.....Great Britain.....Fisheries, boundary, slaves.....	350
1819. February 23.....Spain.....Peace, cession of Florida, limits, claims, commerce.....	785
1822. June 18.....Great Britain.....Decision of Commissioners respecting boundary.....	352

LIST OF TREATIES AND CONVENTIONS.

1822.	June 24.	France	Duties, consuls.	Page.
	June 24.	France	Separate article.	387
	July 12.	Great Britain	Differences referred to Emperor of Russia	389
1824.	February 24.	Tunisia	Altered articles of peace, friendship, and navigation.	355
	April 5, 17.	Russia	Navigation, fishing, &c., in Pacific Ocean	852
	October 3.	Colombia	Friendship, commerce, and navigation	733
				169

VII. *President J. Q. Adams's Administration : March 4, 1825 to March 4, 1829.*

1825.	December 5.	Central America	Commerce and navigation	108
1826.	April 26.	Denmark	Friendship, commerce, and navigation	206
	November 13.	Great Britain	Indemnity under treaty of Ghent	362
1827.	July 4.	Sweden and Norway	Commerce and navigation	815
	July 4.	Sweden and Norway	Separate article	821
	August 6.	Great Britain	Boundary	364
	August 6.	Great Britain	Renewal of commercial conventions	365
	September 29.	Great Britain	Boundary; differences to be referred to an arbitrator.	366
	December 20.	Hanseatic Republics	Friendship, commerce, and navigation	461
1828.	January 12.	Mexico	Boundary	542
	May 1.	Prussia	Commerce and navigation	724
	June 4.	Hanseatic Republics	Additional article to convention of 1827.	465
	December 12.	Brazil	Friendship, commerce, and navigation	94

VIII. *President Jackson's Administration : March 4, 1829 to March 4, 1837.*

1829.	August 27.	Austria	Commerce and navigation	31
1830.	March 28.	Denmark	Indemnity, claims	210
	May 7.	Ottoman Porte	Friendship and commerce	643
1831.	April 5.	Mexico	Additional article to treaty of 1828	544
	April 5.	Mexico	Amity, commerce, and navigation	544
	April 5.	Mexico	Additional article to treaty of 1831	555
	July 4.	France	Claims; duties on wines and cottons	289
1832.	May 16.	Chili	Friendship, commerce, and navigation	118
	October 14.	Two Sicilies	Indemnity	855
	December 6-18.	Russia	Commerce and navigation	735
	December 6-18.	Russia	Separate article; certain stipulations with other powers not to be invoked.	739
1833.	March 20.	Siam	Amity and commerce	764
	September 1.	Chili	Explanatory of treaty of 1832	127
	September 21.	Muscat	Amity and commerce	602
1834.	February 17.	Spain	Indemnity	795
1835.	April 3.	Mexico	Second additional article to treaty of 1828.	556
1836.	January 20.	Venezuela	Friendship, commerce, and navigation	873
	September 16.	Morocco	Commerce, prisoners, &c	593
	November 30.	Peru-Bolivia	Friendship, commerce, and navigation	663

IX. *President Van Buren's Administration : March 4, 1837 to March 4, 1841.*

1837.	December 10-22.	Greece	Commerce and navigation	430
1838.	April 11.	Texas	Indemnity for brigs "Pocket" and "Dursango," &c.	834
	April 25.	Texas	Boundary	835
	November 26.	Sardinia	Commerce, navigation, &c.	755
	November 26.	Sardinia	Separate article; differential duties in certain cases.	760
1839.	January 19.	Netherlands	Commerce and navigation	618
	April 11.	Mexico	Claims	557
	June 13.	Ecuador	Friendship, navigation, and commerce	228
1840.	May 20.	Hanover	Commerce, navigation, &c	446
	August 26.	Portugal	Commerce and navigation	699

X. *President Harrison's Administration : March 4, 1841 to April 4, 1841.*

1841.	March 17.	Peru	Claims	673
-------	-----------	------	--------	-----

XI. *President Tyler's Administration : April 4, 1841 to March 4, 1845.*

1842.	August 9.	Great Britain	Boundary, slave-trade, extradition	369
1843.	January 30.	Mexico	Payment of awards to claimants	560
	November 9.	France	Extradition	292
1844.		Hesse	Abolition of droit d'aubaine and taxes on emigration.	426
	April 10.	Württemberg	Abolition of droit d'aubaine and taxes on emigration.	898
	July 3.	China	Peace, amity, and commerce	131
1845.	January 21.	Bavaria	Abolition of droit d'aubaine and taxes on emigration.	51
	February 24.	France	Extradition, (additional article to convention of November 9, 1843.)	293

XII. *President Polk's Administration : March 4, 1845 to March 4, 1849.*

	May 14.	Saxony	Abolition of droit d'aubaine and taxes on emigration.	762
	November 10.	Belgium	Commerce and navigation	58
	December 1.	Two Sicilies	Commerce and navigation	856

LIST OF TREATIES AND CONVENTIONS.

7

		Page.
1846.	May 27..... Nassau.....	Abolition of droit d'aubaine and taxes on emigration..... 605
	June 10..... Hanover.....	Commerce, navigation, &c..... 450
	June 15..... Great Britain.....	Boundary west of Rocky Mountains..... 375
	December 12..... New Granada.....	Amity, commerce, and navigation..... 177
	December 12..... New Granada.....	Additional article, defining national ships..... 188
1847.	March 10..... Oldenburg.....	(Accession.) Commerce and navigation..... 641
	May 18..... Swiss Confederation.....	Abolition of droit d'aubaine and taxes on emigration..... 827
	December 9..... Mecklenburg-Schwerin.....	(Accession. Commerce, navigation, &c..... 535
1848.	February 2..... Mexico.....	Peace, friendship, limits, claims, &c..... 562
	May 8..... Austria.....	Disposal of property, consuls, &c..... 35
1849.	January 27..... Brazil.....	Claims..... 104
	March 3..... Guatemala.....	Amity, commerce, navigation, &c..... 436

XIII. President Taylor's Administration: March 4, 1849 to July 9, 1850.

	December 20..... Hawaiian Islands.....	Commerce, navigation, extradition, &c..... 468
1850.	January 2..... San Salvador.....	Amity, navigation, commerce, &c..... 745
	April 19..... Great Britain.....	Ship-canal from the Atlantic to the Pacific..... 377
	May 4..... New Granada.....	Consuls..... 189
	June 23..... Borneo.....	Peace and amity; consular jurisdiction..... 92

XIV. President Fillmore's Administration: July 9, 1850 to March 4, 1853.

	November 25..... Swiss Confederation.....	Friendship, commerce, extradition, &c..... 828
	December 9..... Great Britain.....	Protocol ceding Horseshoe Reef..... 911
1851.	February 26..... Portugal.....	Certain claims to be referred to an arbiter..... 704
	July 10..... Costa Rica.....	Amity, commerce, and navigation..... 197
	July 26..... Peru.....	Friendship, commerce, and navigation..... 675
1852.	April 30..... Hanseatic Republics.....	Consular jurisdiction..... 466
	June 16..... Prussia and other states.....	Extradition..... 729
	August 26..... Netherlands.....	Supplemental to treaty of 1839..... 619
	November 16..... Prussia and other states.....	(Additional article.) Extradition..... 731
1853.	February 8..... Great Britain.....	Claims..... 380
	February 23..... France.....	Rights, &c., of consuls..... 294

XV. President Pierce's Administration: March 4, 1853 to March 4, 1857.

	July 10..... Argentine Confederation.....	Free navigation of rivers Parana and Uruguay..... 24
	July 27..... Argentine Confederation.....	Friendship, commerce, and navigation..... 26
	September 6..... Bremen.....	Extradition, (accession) (appendix)..... 908
	September 12..... Bavaria.....	Extradition..... 53
	October 13..... Württemberg.....	Extradition, (accession)..... 899
	November 26..... Mecklenburg-Schwerin.....	Extradition, (accession) (appendix)..... 915
	December 2..... Mecklenburg-Strelitz.....	Extradition, (accession) (appendix)..... 916
	December 30..... Oldenburg.....	Extradition, (accession) (appendix)..... 917
	December 30..... Mexico.....	Boundary, road across Tehuantepec, &c..... 575
1854.	March 31..... Japan.....	Peace and amity; opening of ports of Simoda and Hakodade..... 512
	June 5..... Great Britain.....	Reciprocity of trade and fisheries with British possessions in North America..... 383
	June 7..... Schaumburg-Lippe.....	Extradition, (accession) (appendix)..... 920
	July 11..... Lew Chew.....	Friendship and commerce..... 528
	July 17..... Great Britain.....	(Additional convention.) Claims..... 388
	July 23..... Russia.....	Rights of neutrals at sea..... 739
	August 21..... Brunswick and Luneburg.....	Disposal of property..... 106
1855.	January 13..... Two Sicilies.....	Rights of neutrals at sea..... 861
	January 18..... Hanover.....	Extradition..... 456
	January 22..... Netherlands.....	American consuls in Dutch colonies..... 622
	October 1..... Two Sicilies.....	Commerce, navigation, extradition, &c..... 863
1856.	May 29..... Siam.....	Amity and commerce..... 767
	July 3..... Austria.....	Extradition..... 37
	July 22..... Peru.....	Rights of neutrals at sea..... 687
	December 13..... Persia.....	Friendship and commerce..... 680
1857.	January 30..... Baden.....	Extradition..... 47

XVI. President Buchanan's Administration: March 4, 1857 to March 4, 1861.

	April 11..... Denmark.....	Sound and Belt dues..... 213
	June 17..... Japan.....	Opening of Nagasaki; coin, consuls, &c..... 514
	July 4..... Peru.....	Of interpretation of article 12 of treaty of 1851..... 689
	September 10..... New Granada.....	Claims..... 193
1858.	February 10..... France.....	(Additional article.) Extradition..... 292
	May 13..... Bolivia.....	Friendship, commerce, and navigation..... 80
	June 18..... China.....	Peace, amity, and commerce..... 145
	July 17..... Belgium.....	Commerce and navigation..... 62
	July 29..... Japan.....	Amity and commerce..... 516
	November 8..... China.....	Regulation of trade..... 155
	November 8..... China.....	Claims..... 164
	November 10..... Chili.....	Arbitration of Macedonian claims..... 129
1859.	January 14..... Venezuela.....	Aves Island claims..... 883
	February 4..... Paraguay.....	United States and Paraguay Navigation Company..... 653
	February 4..... Paraguay.....	Friendship, commerce, and navigation..... 655
1860.	March 21..... Sweden and Norway.....	Extradition..... 822
	July 2..... Costa Rica.....	Claims..... 202
	August 27..... Venezuela.....	Commerce, navigation, extradition, &c..... 885

XVII. *President Lincoln's Administration: March 4, 1861 to April 15, 1865.*

			Page.
1861.	July 11.....	Denmark.....	Additional articles to convention of 1826..... 215
	November 6.....	Hanover.....	Abolition of Stade or Brunshausen dues..... 458
	December 11.....	Mexico.....	Extradition..... 579
1862.	February 25.....	Ottoman Empire.....	Commerce and navigation..... 645
	April 7.....	Great Britain.....	Suppression of slave-trade..... 388
	October 21.....	Liberia.....	Commerce and navigation..... 529
	November 25.....	Ecuador.....	Claims..... 238
	December 20.....	Peru.....	"Lizzie Thompson" and "Georgianna"..... 691
1863.	January 12.....	Peru.....	Claims..... 693
	February 17.....	Great Britain.....	(Additional article.) Suppression of slave-trade..... 401
	May 20.....	Belgium.....	Import duties and capitalization of Scheldt dues..... 66
	July 1.....	Great Britain.....	Claims of Hudson's Bay and Puget Sound Agricultural Companies..... 402
	July 20.....	Belgium.....	Extinguishment of Scheldt dues..... 68
1864.	January 28.....	Japan.....	Reduction of duties..... 525
	February 10.....	Colombia.....	Claims..... 195
	July 4.....	Honduras.....	Friendship, commerce, and navigation..... 490
	October 22.....	Japan.....	Indemnity..... 526
	November 3.....	Haiti.....	Commerce, navigation, extradition, &c..... 475

XVIII. *President Johnson's Administration: April 15, 1865 to March 4, 1869.*

1865.	May 31.....	Morocco.....	Light-house at Cape Spartel..... 598
1866.	April 25.....	Venezuela.....	Claims..... 895
1867.	February 8.....	Dominican Republic.....	Amity, commerce, navigation, extradition..... 217
	February 14.....	Madagascar.....	Commerce, rights of citizens, consular jurisdiction, &c..... 532
	March 30.....	Russia.....	Cession of Russian possessions in North America to the United States..... 741
	June 21.....	Nicaragua.....	Friendship, commerce, and navigation..... 627
	December 17-31.....	Siam.....	(Modification)..... 774
1868.	January 27.....	Russia.....	(Additional article.) Trade-marks..... 744
	February 8.....	Italy.....	Rights, &c., of consuls..... 496
	February 22.....	North German Union.....	Naturalization..... 638
	March 23.....	Italy.....	Extradition..... 501
	May 26.....	Bavaria.....	Naturalization..... 55
	July 4.....	Mexico.....	Claims..... 581
	July 10.....	Mexico.....	Naturalization..... 585
	July 19.....	Baden.....	Naturalization..... 49
	July 27.....	Württemberg.....	Naturalization; extradition..... 900
	July 28.....	China.....	(Additional articles.) Amity, commerce, and navigation..... 165
	August 1.....	Hesse.....	Naturalization..... 487
	November 16.....	Belgium.....	Naturalization..... 72
	December 4.....	Peru.....	Claims..... 695
	December 5.....	Belgium.....	Rights, &c., of consuls..... 74
	December 20.....	Belgium.....	(Additional article.) Trade-marks..... 78
1869.	January 21.....	Italy.....	(Additional article.) Consuls..... 500
	January 21.....	Italy.....	(Additional article.) Extradition..... 503

XIX. *President Grant's Administration: March 4, 1869—*

	April 16.....	France.....	Trade-marks..... 299
	May 26.....	Sweden and Norway.....	Naturalization..... 824
1870.	May 13.....	Great Britain.....	Naturalization..... 405
	June 3.....	Great Britain.....	Slave-trade; mixed courts..... 407
	June 25.....	Nicaragua.....	Extradition..... 635
	July 11.....	Austro-Hungary.....	Rights, &c., of consuls..... 39
	September 20.....	Austro-Hungary.....	Naturalization..... 45
1871.	February 12.....	Spain.....	Certain claims for wrongs in Cuba, (Appendix)..... 921
	February 23.....	Great Britain.....	Renunciation of naturalization..... 411
	February 26.....	Italy.....	Commerce and navigation..... 503
	April 19.....	Mexico.....	(Additional convention.) Claims..... 586
	May 8.....	Great Britain.....	Amicable settlement of all causes of difference..... 413
	November 25.....	Austro-Hungary.....	Trade-marks. (Appendix)..... 906
	December 11.....	German Empire.....	Consuls and trade-marks..... 302
	December 22.....	Orange Free State.....	Friendship, commerce, and extradition. (Appendix)..... 918
1872.	July 20.....	Denmark.....	Naturalization, (Appendix)..... 909
	November 27.....	Mexico.....	(Additional convention.) Claims. (Appendix)..... 916
1873.	January 18.....	Great Britain.....	Relative to places for holding sessions of the commissioners under the 12th article of the treaty of May 8, 1871. (Appendix)..... 912
	March 10.....	Great Britain.....	Definition of the Northwest Boundary line..... 914
	June 7.....	Great Britain.....	Protocol respecting the time at which articles 18 to 25 and article 30 of the treaty of May 8, 1871, respecting fisheries shall take effect..... 914

NOTES.

INTRODUCTORY NOTE.

The purpose of these Notes is expressed in their title. They will aim to make such references to the negotiations which preceded the political treaties of the United States, as may be necessary to a comprehension of the questions there determined. They will attempt to show wherein the action of the Executive, the Legislative, or the Judicial Department of the Government may have affected any treaty. They will endeavor to explain why and in what way some treaties have ceased to be operative. But except as official correspondence may refer to the unofficial tentatives which may have preceded negotiations, or the unofficial influences which may have affected results, no notice will be here taken of such tentatives or influences. With the exception of a few necessary cases, the references will be confined to official publications.

The various treaties of the United States bear the names of many of the most eminent statesmen of the country. In succeeding generations, with more or less success, they have endeavored to imprint their ideas upon its public law. To find the origin of some of these ideas we must even go behind the Declaration of Independence, to the time when the thoughts of an American nationality were first beginning to inspire the actions of the leaders of the Continental Congress.

On the 29th of November, 1775, Congress appointed a "Committee of Secret Correspondence," whose duty it would be to correspond with the friends of the colonies in other parts of the world. On the 3d of March, 1776, this committee instructed Silas Deane to proceed to France, to enter into communication with M. de Vergennes, and to ascertain, if possible, "whether, if the colonies should be forced to form themselves into an independent State, France would * * enter into any treaty or alliance with them for commerce or defence, or both." These instructions were signed by Dr. Franklin, Benjamin Harrison, John Dickinson, Robert Morris, and John Jay;¹ and the practical wisdom of the signers is displayed in the first instruction they contain: "When you come to Paris * * you will be introduced to a set of acquaintance, all friends to the Americans; by conversing with them you will have a good opportunity of acquiring Parisian French."²

On the 17th day of the following September, nearly two years prior to the adoption of the Articles of Confederation, "Congress took into consideration the plan of treaties to be proposed to foreign nations,

¹ 1 D. C. 1776-'83, 5.

² *Ib.*

with the amendments agreed to by the Committee of the Whole;¹ and thereupon adopted a plan of treaty to be proposed to His Most Christian Majesty the French King, which will be found in the Secret Journal.²

This remarkable state paper contains the germ (often expressed in the identical language) of many of the provisions of subsequent treaties of the United States.³

In one respect it was many years in advance of provisions actually incorporated into any Treaty. Its first and second articles stipulated that the citizens of each country in the ports of the other should pay no other duties or imports than the natives were required to pay, and should enjoy the same privileges, immunities, and exemptions in trade, navigation, and commerce which natives enjoyed; and the twelfth article contemplated a similar reciprocal agreement in respect of some exports. It was not until after the peace of 1814 that this principle of reciprocity was incorporated into a Treaty of the United States.

The Commissioners who were originally selected by the Continental Congress to conclude Treaties with the European Powers, were Dr. Franklin, Silas Deane, and Thomas Jefferson.⁴ Jefferson having declined, Arthur Lee was elected in his place.⁵

On the 6th of February, 1778, these Commissioners concluded a Treaty of Alliance and a Treaty of Amity and Commerce with the King of France. These important acts were followed by the conclusion of Treaties of Amity and Commerce with the Netherlands, in 1782; and with Sweden, in 1783; of the Treaty of Peace with Great Britain, in 1783, (to which the names of Adams, Franklin, and Jay were attached under a special power;) of a Treaty of Amity and Commerce with Prussia, in 1785; of a Treaty of Peace and Friendship with Morocco, in 1787; and of a Consular Convention with France, in 1788.

In regulating the commercial and political relations between the United States and other Powers, these several Treaties secured the recognition of the Independence of the United States, and also the assent of other Powers to many important principles, some of which were not then universally recognized as constituting part of the public law which should govern the intercourse of nations with each other. It is not difficult to recognize, in these provisions, the impress of the statesmanlike intelligence and humane and elevated characters of

¹ 2 Secret Journals of Congress, 6. ² *Ib.*, 7-25.

³ See Art. 6, concerning the Treatment of Pirates; 14, respecting the abolition of the *Droit d'Aubaine*; 16, respecting the treatment of vessels having contraband of war on board; 19, concerning the restoration of property captured from pirates; 20, concerning prizes; 21 and 22, respecting asylum for wrecked vessels and persons; 23, respecting the protection of citizens of each in the territory of the other on the breaking out of a war; 24, respecting letters of marque; 25, respecting the preservation of the neutrality of ports; 26, respecting the freedom of neutrals to trade with the enemy, and the right of neutral vessels to carry enemy's goods; 27, defining contraband of war; 28, respecting the papers that neutral vessels must carry in time of war; 30, respecting the mode of visiting neutral ships on the high seas in time of war.

⁴ Secret Journals of Congress, 31. ⁵ *Ib.*, 35.

the members of the Continental Congress, and of the American Plenipotentiaries who negotiated the several Treaties.

The evils of war were lessened by agreements that, in case it should break out, time should be given to the citizens of each in the territories of the other to close their business and remove their properties;¹ or that, should differences arise, resort should not be had to force until a friendly application should be made for an arrangement.²

A restraint was imposed upon private war by provisions forbidding the citizens of either Power to accept commissions or letters of marque from enemies of the other Power when at war;³ and the acceptance of such commissions or letters was declared to be an act of piracy, which placed the offender beyond the claim of national protection.

The rights of neutrals to maintain and carry on their commerce and trade on the high seas during time of war were fully recognized.⁴ For this purpose articles which were to be held to be contraband of war were expressly defined and limited;⁵ and in the Treaty of 1785 with Prussia, which bears the signatures of John Adams, Dr. Franklin, and Jefferson, it was even agreed that no articles should be deemed contraband, so as to induce confiscation, or condemnation, and a loss of property to individuals.⁶ It was further agreed that Free ships should make free goods;⁷ and that neutral goods found in an enemy's ship should not be confiscated if they had been put on board before the declaration of war, or within such short period thereafter that an ignorance of the state of war might fairly be implied.⁸

Precise rules were laid down to be observed in the visit of neutral vessels on the high seas,⁹ and humane regulations were made respecting vessels on which articles contraband of war should be discovered.¹⁰

"To prevent the destruction of prisoners of war by sending them into distant and inclement countries or by crowding them into close and noxious places," regulations were made for their treatment;¹¹ and it was agreed that women and children, scholars, and cultivators, "all others whose occupations are for the common subsistence and benefit of mankind," should be allowed to continue their respective employments in time of war; that merchant and trading vessels employed in rendering the necessities of human life more easy to be obtained, should be allowed to pass unmolested in such time; and that no commissions should be granted to private armed vessels.¹²

¹ France, 1778, Art. 20; Netherlands, 1782, Art. 18; Sweden, 1783, Art. 22; Prussia, 1785, Art. 23. ² Morocco, 1787, Art. 24. ³ France, 1778, Art. 21; Netherlands, 1782, Art. 19; Sweden, 1783, Art. 23; Prussia, 1785, Art. 20. ⁴ France, 1778, Art. 23; Sweden, 1783, Art. 7; Prussia, 1785, Art. 12. ⁵ France, 1778, Art. 24; Netherlands, 1782, Art. 24; Sweden, 1783, Art's 9 and 10. ⁶ Art. 13. ⁷ France, 1778, Art. 23; Netherlands, 1782, Art. 11; Sweden, 1783, Art. 7; Prussia, 1785, Art. 12. ⁸ France, 1778, Art. 14; Netherlands, 1782, Art. 12; Sweden, 1783, Art. 14. ⁹ France, 1778, Art's 12, 25, and 27; Netherlands, Art's 10, 20, 25, and 26; Sweden, Art's 11, 12, 24, and 25; Prussia, Art's 14 and 15. ¹⁰ France, 1778, Art. 13; Netherlands, 1782, Art. 11; Sweden, 1783, Art. 13; Prussia, 1785, Art. 13. ¹¹ Prussia, 1785, Art. 24. ¹² *Ib.*, Art. 23.

The power of the new nation whose existence had been recognized by these Treaties, to regulate and control its commercial relations with Foreign Powers was uniformly asserted in this series of Treaties. They placed each of the other Powers, in respect of commerce and navigation within each and every State, on the footing of the most favored nation;¹ and it was agreed with Prussia that the ports of each Power should be open to the other; and that the duties, charges, and fees, to be imposed by each upon articles the growth, produce, or manufacture of the other, should be only such as should be paid by the most favored nation.²

In the articles affecting the relations between the United States and the several States, these early Treaties asserted the nationality of the United States in a no less marked manner.

They prohibited the exaction in any State of the *Droit d'Aubaine* or other similar duty.³ They allowed aliens to hold personal property and to dispose of it by testament, donation, or otherwise, and to succeed to it, and they prohibited the exaction in such case by any State of dues, except such as the inhabitants of the country were subject to.⁴ They allowed aliens, without obtaining letters of naturalization, to inherit real estate and things immovable in every State,⁵ but in such case the Prussian alien was required to sell the real estate and withdraw the proceeds, which he was to be permitted to do without molestation;⁶ and in case of withdrawal no *droit de détraction* was to be exacted.⁷

The right to aliens to frequent the coasts and countries of each and all the several States, and to reside there and to trade in all sorts of produce, manufactures, and merchandise was granted by the national government;⁸ and the States were prohibited from imposing upon such aliens any duties or charges to which the citizens of the most favored nation were not made subject.⁹ Resident aliens were also assured against State legislation to prevent the exercise of an entire and perfect liberty of conscience, and the performance of religious worship; and, when dying, they were guaranteed the right of decent burial, and undisturbed rest for their bodies.¹⁰

The Consular Convention concluded with France by Jefferson maintained a yet wider supremacy for the national authority. It authorized French Consuls to administer, in certain cases, upon the estates of their deceased countrymen in the several States; to exercise police over all the vessels of their nation in whatever American port they might discharge their functions; to arrest the officers or crews of such vessels; to

¹ France, 1778, Art's 2 and 3; Netherlands, 1782, Art's 2 and 3; Sweden, 1783, Art's 2, 3, and 4; Prussia, 1785, Art's 2 and 3. ² Art. 14. ³ France, 1778, Art. 11. ⁴ France, 1778, Art. 11; Netherlands, 1782, Art. 6; Sweden, 1783, Art. 6; Prussia, 1785, Art. 10. ⁵ France, 1778, Art. 11; Netherlands, 1782, Art. 6; Sweden, 1783, Art. 6; Prussia, 1785, Art. 10. ⁶ Art. 10. ⁷ France, 1778, Art. 11; Sweden, 1783, Art. 6; Prussia, 1785, Art. 10. ⁸ Prussia, 1785, Art. 2. ⁹ France, 1778, Art. 3; Netherlands, 1782, Art. 2; Sweden, 1783, Art. 3; Prussia, 1785, Art. 2. ¹⁰ Netherlands, 1782, Art. 4; Sweden, 1783, Art. 5; Prussia, 1785, Art. 11.

require the Courts to aid them in the arrest of deserters; and it even elevated them into judges, and authorized them to determine all differences and disputes arising between their countrymen in the United States.¹

The same statesmen contemplated at one time a postal convention between France and the United States. A scheme was submitted by the French Minister;² after considering which Jay submitted a counter proposal.³ But nothing further appears to have been done. Had the scheme been carried out it would have anticipated by half a century the modern international postal convention of the United States.

The several Treaties and Conventions, thus negotiated, have served as the basis or model of many of the commercial and general conventions entered into by the United States since the adoption of the Constitution.

The Treaty negotiated in London, in 1794, during the administration of President Washington, and commonly known as Jay's Treaty, contained several new features, some of which have since been adopted in other Treaties.

This Treaty, the first concluded with a Foreign Power under the new form of government, recognized the right of the United States, which had been asserted in the Treaties concluded under the old form of government, to authorize aliens to hold and dispose of real estate in the several States.⁴ It aimed to establish, as far as the British monopoly of that day would permit, reciprocity in trade on the American continent; and it declared that by reciprocity it was "intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood."⁵ It made reciprocal provisions for the equalization of import and export duties.⁶ It provided a mode for settling by arbitration differences which had arisen between the two powers;⁷ and it also declared that it was "unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other, and in their respective governments, should ever be destroyed or impaired by national authority on account of national differences;" and it, therefore, provided that there should be no confiscation or sequestration of debts, in event of war between the parties.⁸ By it the parties agreed that an innocent neutral vessel, approaching a blockaded port, without knowledge of the blockade, should be warned and turned away without detention, and without confiscation of the vessel, or of the cargo unless contraband.⁹ It required each party to bring to the notice of the other any causes of complaint it might have before proceeding to the extremities of reprisals or of war;¹⁰ and it made provisions, to a limited extent, for the extradition of persons charged with the commission of crimes.¹¹

¹ France, 1788, Art's 5, 8, 9, and 12. ² 1 D. C. 1783-'89, 185. ³ *Ib.*, 201. ⁴ Great Britain 1794, Art. 9. ⁵ Art. 3. ⁶ Art. 15. ⁷ Art. 7. ⁸ Art. 10. ⁹ Art. 18. ¹⁰ Art. 22. ¹¹ Art. 27.

The Treaty of 1795, concluded with Spain during the same administration, provided that the vessels or effects of citizens of either Power should not be embargoed or detained by the other for any purpose; that the courts of justice should be open alike to citizens of each Power; that seizure of the persons of citizens of one Power by the authorities of the other, within its jurisdiction, were to be made and prosecuted under the ordinary forms of law, and that the persons so arrested were to have the right to employ such advocates or attorneys as they pleased, who were to have the right of access to them, and of being present at all examinations and trials,¹ all of which engagements have since been entered into with other Powers.

During the administration of the elder Adams two Treaties of note were made. The first, concluded with Prussia, in 1799, extended the principal provisions in the Treaty of 1785 with that Power, but, in doing it, several features of the early Treaty disappeared. The second was the Treaty concluded with France in 1800, which put an end to a state of quasi war between France and the United States.

The construction put by President Washington on the agreement of guaranty contained in the 11th article of the Treaty of 1778 with France, together with the conclusion of the Treaty of 1794 with England, had affected the relations of the two countries to such a degree that, in 1798 Congress had, by law, assumed to exonerate the nation from further obligation to observe the Treaties with France; and the Attorney-General had given an official opinion that there was a state of war.² The Treaty of 1800 restored the good relations: but in the amendments on each side the old Treaties entirely disappeared. The subject will be further considered hereafter. This Treaty, although concluded during the administration of President Adams, was finally proclaimed by Jefferson after he became President.

By far the most important Treaty, in its results, concluded during the administration of President Jefferson, was the Treaty of 1803 with France, whereby Louisiana was annexed to the United States. This was the first Treaty which extended the territorial dominion of the United States, and which provided for the admission of aliens "to the enjoyments of all the rights, advantages, and the immunities of citizens of the United States."³

The subject of the Slave-Trade first appears in the Treaty of Peace with Great Britain, concluded in 1814, at Ghent, during the administration of President Madison. It was declared there that "the traffic in slaves is irreconcilable with the principles of humanity and justice."⁴ John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin subscribed this declaration on the part of the United States.

At the close of the wars of Napoleon, the Treaty of 1795 with Spain

¹ Art. 7. ² 1 Op. At.-Gen., 701, Wirt. ³ Art. 3. ⁴ Art. 10.

alone, of all of the commercial Treaties, survived. President Madison contemplated using the opportunity to mould all the Treaties of this nature into a general system. Mr. Monroe, in an early stage of negotiations with Holland, for this purpose, informed the Dutch Minister at Washington that "the Treaties between the United States and some of the Powers of Europe having been annulled by causes proceeding from the state of Europe for some time past, and other Treaties having expired, the United States have now to form their system of commercial intercourse with every Power, as it were, at the same time."¹ But the only general commercial Treaties which Monroe succeeded in concluding, either as Secretary of State under President Madison, or as President with John Quincy Adams as Secretary of State, were the Treaty of 1815 with Great Britain, the limited arrangements made with France in 1822, and the Treaty with Colombia in 1824.

In that Treaty with Great Britain, it was for the first time agreed that no higher or other duties or charges should be imposed in any of the ports of the United States on vessels of another Power than those payable in the same ports by vessels of the United States; that the same duties should be paid on the importation into the United States of any articles the growth, produce, or manufacture of a foreign Power, whether such importation should be made in vessels of the United States or in vessels of that Power, and that in all cases where drawbacks were or might be allowed upon the re-exportation of any goods the growth, produce, or manufacture of either country respectively, the amount of the drawback should be the same, whether the goods should have been imported in American vessels or in vessels of the Foreign Power.² How frequently these principles have since been recognized in Treaties of the United States, an examination of the Index following these Notes will show.

The Convention with Colombia was the first of a long series of Treaties of Amity and Commerce with the several American States, of Spanish or Portuguese origin. It contained, in addition to most of the liberal provisions already noted, an agreement which has since been incorporated into many other Treaties, that infractions of the Treaty by citizens of either party should not interrupt the harmony and good correspondence between the two nations.

The most important Treaty made during the administration of President Monroe was the Treaty for the acquisition of Florida, concluded with Spain in 1819. Another important Convention was concluded in 1818, in London, by Mr. Gallatin and Mr. Rush, for the purpose, among other things, of settling the disputes which had arisen after the Treaty of Ghent, respecting the fisheries. In this the United States "renounced forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's Domin-

¹ Monroe to Changulon, April 12. 1815. Ms. Dept. of State. ² Art. 2

ions in America not included in the above-mentioned limits," that is, the limits described in the Treaty.¹ We have the authority of Rush for the assertion that this renunciation was inserted by the American Plenipotentiaries. "The British Plenipotentiaries," he says, "did not desire it."²

During the administration of John Quincy Adams several Treaties were concluded, in which broader views in commercial matters began to prevail. It was agreed that whatever kind of produce, manufacture, or merchandise of any foreign country could be from time to time lawfully imported into the United States in their own vessels might also be imported in vessels of the other Power.³ These Treaties were subscribed by Henry Clay, Secretary of State of the United States, and the provisions have often since been repeated in Conventions with other Powers. The expanding commerce of the United States induced the revival at this time of some of the powers respecting national vessels in foreign ports, and respecting disputes between the officers and crew of such vessels, and concerning deserters, which had been conferred upon Consuls by Jefferson's Convention with France in 1788.⁴ These important provisions were now inserted in the Treaties of Commerce, and continued to be until the revival of the practice of concluding exclusively Consular Conventions, which had lain dormant from the time of Jefferson's mission in Paris.

Many commercial Treaties were concluded during the administrations of President Jackson and President Van Buren, through which the principles, which had become part of the policy of the United States, were extended in every quarter of the globe. By the former administration also, long-pending differences with France were set at rest by a Convention signed July 4, 1831; and a Treaty was concluded with the Ottoman Porte, under which, for nearly forty years, it was not doubted that the citizens of the United States within the dominions of the Porte enjoyed certain rights of extritoriality.⁵ The doubts which have since arisen will be considered hereafter.

During the administration of President Tyler, Caleb Cushing as Plenipotentiary, negotiated a Treaty by which political relations were for the first time established between the United States and the Emperor of China.⁶ In this Treaty, the rights of extritoriality were stated in unmistakable terms. "Citizens of the United States who may commit any crime in China shall be subject to be tried and punished only by the Consul or other public functionary of the United States thereto authorized, according to the law of the United States."⁷ All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authorities of their own Government."⁸

The same administration also brought to a close the long-pending

¹ Art. 1. ² S. Doc., Special Session, 1871, Executive, A. 48. ³ Central America, 1825, Art. 4; Denmark, 1826, Art. 3; Hanseatic Republic, 1827, Art. I; Prussia, 1828, Art. 3. ⁴ Prussia, 1828, Art's 10 and 11. ⁵ Ottoman Porte, 1830, Art. 4. ⁶ China, 1844. ⁷ Art. 21. ⁸ Art. 25.

disputes about the Northeastern Boundary,¹ and by the same Treaty made arrangements with Great Britain for the extradition of persons accused of crimes. With the exception of the clause in "Jay's Treaty," respecting murder and forgery, this is the first of a long series of Treaties for a similar purpose.

The first international postal arrangement also appears to have been concluded during this administration.² Henry Wheaton, the representative of the United States at Berlin, signed, during this administration Treaties with Hesse, Württemberg, and Bavaria, abolishing the *Droit d'Aubaine* and taxes on emigration.

President Polk carried out with assiduity the policy of the nation by extending the number of its Treaties for the regulation of commerce and navigation, for the abolition of unjust taxes, and for the regulation of international postal relations, and he added to the national domain by the Treaty of Peace with Mexico,³ and concluded a treaty with Great Britain, which was intended on the part of the United States to be a final settlement of the disputed Northwestern Boundary.⁴ He also caused the United States to enter into a Treaty with New Granada, whereby they agree to "guarantee positively and efficaciously to New Granada * * * the perfect neutrality of the before-mentioned Isthmus" (Panama) * * * and "the rights of sovereignty and property which New Granada has and possesses over the said territory,"⁵ the first international obligation of this nature incurred since 1778.

During President Taylor's short administration several Treaties of commerce were entered into with other Powers. The Secretary of State (acting as the Plenipotentiary of the United States) signed a Treaty with Great Britain (commonly known as the Clayton-Bulwer Treaty) in which the United States agree not to obtain any exclusive control over the ship-canal which it was then supposed would soon be constructed through the territories of Nicaragua; not to erect or maintain any fortifications commanding the same, or in the vicinity thereof; and not to occupy or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America.⁶ An engagement of this nature was a new one in the history of the United States, and has not since been imitated. Clayton also signed the first Consular Convention which had been entered into since Jefferson's Convention of 1788. It contained a provision that in everything not specially provided for by the Treaty, the persons and dwellings of the Consuls were to be subject to the laws of the land in which they reside. This provision has not found favor with subsequent negotiators.

The administration of President Fillmore furnished a form of a Consular Convention which has been adopted as the basis of all subsequent conventions of that nature.⁷ Its defects are noticed hereafter. It bore the signature of Edward Everett, then Secretary of State.

¹ Great Britain, 1842. ² New Granada, 1844. ³ Mexico, 1848. ⁴ Great Britain, 1846. ⁵ New Granada, 1846, Art. 35. ⁶ Great Britain, 1850, Art. 1. ⁷ France, 1853.

The Crimean war, which took place during the administration of President Pierce, left its mark on the Treaties of the United States in agreements with Russia,¹ the Two Sicilies,² and Peru,³ respecting the rights of neutrals at sea. Treaties of Commerce, Consular Conventions, and Extradition Treaties were negotiated and concluded with various powers under the direction of Wm. L. Marcy, as Secretary of State; a Treaty was concluded for reciprocal trade with Canada, and for the enjoyment of the Canadian Fisheries;⁴ diplomatic intercourse was opened with Japan;⁵ and Arizona was acquired by Treaty with Mexico.⁶

President Buchanan released the commerce of the United States from the Danish dues at the Sound and Belts,⁷ made wider and broader the friendly relations with Japan,⁸ and he added to the number of the Treaties for the regulation respectively of commerce, of extradition, and of international postage.

William H. Seward was the Secretary of State during the administrations of President Lincoln and of President Johnson. Under his direction of the Department of State, the Treaties of Commerce, and the Consular and Extradition Conventions were widely extended. The commerce of the United States was relieved from the Brünshausen dues,⁹ the navigation of the Dardanelles and of the Bosphorus was regulated,¹⁰ and the Scheldt dues were extinguished.¹¹ A Treaty was entered into for the suppression of the African Slave-Trade, in which, for the first time since the adoption of the Constitution, it was agreed that an alien might sit as a judge in a court holding its sessions within the territories of the United States.¹² Several Treaties were made securing the recognition of the right of expatriation and naturalization,¹³ and the protection of Trade-Marks was also made the subject of a Treaty.¹⁴ The relations with China, too, were essentially modified.¹⁵

During the administration of President Grant the Department of State, under the direction of Hamilton Fish, has carried out the previous policy of the United States in new Treaties for regulating the commerce of the country, for the extradition of criminals, for the naturalization of aliens, for the protection of trade-marks, for defining the powers and jurisdiction of Consuls, and for the protection of citizens in Foreign countries. The Treaty which has become known as the Treaty of Washington was signed in that city on the 8th day of May, 1871, by Mr. Fish, Mr. Justice Nelson, Robert C. Schenck, E. R. Hoar, and George H. Williams, as High Commissioners on the part of the United States, and by Earl de Grey, Sir Stafford Northcote, Sir Edward Thornton, Sir John A. McDonald, and Montague Bernard, as High Commissioners on the part of Great Britain. It provides for the adjustment of outstanding differences with Great Britain, which were many and grave, by a series of arbitrations. The success, in the midst of great difficulties,

¹ 1854. ² 1855. ³ 1856. ⁴ Great Britain, 1854. ⁵ Japan, 1854. ⁶ Mexico, 1853. ⁷ Denmark, 1857. ⁸ Japan, 1857. ⁹ Hanover, 1861. ¹⁰ Ottoman Porte, 1862. ¹¹ Belgium, 1863. ¹² Great Britain, 1862. ¹³ North Germany, 1868; Bavaria, 1868; Mexico, 1868; Wurttemberg, 1868; Hesse, 1868. ¹⁴ Russia, 1868. ¹⁵ China, 1868.

which has attended the conduct of these international trials, may lead even persons who are not optimists, to hope that a way may be found for the peaceful solution of many sorts of international differences, which have hitherto been left to be solved by the sword.

The policy of the United States is well established, to settle national disputes and individual claims by arbitration when possible. It has been embodied in numerous claims conventions in addition to those already alluded to. When the bill for the payment of the overdue instalments on the French Convention of 1831 was introduced into the Chamber of Peers, the Baron de Barante said: "*Les Etats-Unis sont dans une autre situation.* Lorsqu'on viole à leur égard les règles de la neutralité, ils ne font pas la guerre; * * Faire rendre justice à leurs citoyens est donc un de leurs premier devoirs; et, en cela, ils sont plus à imiter qu' à blâmer. De sorte que, sans éclater en hostilités, ils se plaignent, produisent patiemment leurs réclamations; et quand le jour arrive où l'on a besoin de leur bienveillance, où leur amitié pourrait être à rechercher, ils profitent de l'occasion, et font solder les créances privées, dont on contestait ou retardait paiement.*"¹

Many of these Treaties have been the subject of consideration and construction by the Attorneys-General and the courts of the United States. The following are some of the main points of general construction which have been determined.

I. A Treaty, constitutionally concluded and ratified, abrogates all State laws inconsistent therewith. It is the supreme law of the land, subject only to the provisions of the constitution.²

II. A Treaty is binding on the contracting parties, unless otherwise provided, from the day of its date.³ The exchange of ratifications has, in such case, a retroactive effect, confirming the Treaty from its date. But a different rule prevails when the Treaty operates on individual rights. The principle of relation does not apply to rights of this character, which were vested before the Treaty was ratified; it is not considered as concluded until there is an exchange of ratifications.⁴

III. When a Treaty requires a series of legislative enactments to take place after exchange of ratifications before it can become operative, it will take effect as a national compact, on its being proclaimed, but it

¹ S. E. Doc. 161, 1st sess., 24th Cong., 10. "The case is different with the United States. When the laws of neutrality are violated with respect to them they do not go to war. * * To cause justice to be rendered to their citizens is then one of their first duties, and in that they are more to be imitated than blamed. So that without beginning hostilities they protest, quietly present their claims, and, when the time arrives when their good-will is needed, or their friendship is sought, they profit by the occasion, and cause the settlement of the private claims the payment of which had been contested or deferred." ² 6 Op. At.-Gen., 293, Cushing, and the cases cited by him; *United States vs. The Schooner Peggy*, 1 Cranch, 103; *Ware vs. Hylton*, 3 Dallas, 199; *Gordon's Lessee vs. Kerr*, 1 Wash. C. C. R., 322; *Lessee of Fisher vs. Harnden*, 1 Paine, C. C. R., 55; 8 Op. At.-Gen., 417, Cushing. ³ *Davis vs. The Parish of Concordia*, 9 Howard, 280; *Lessee of Hylton vs. Brown*, 1 Wash. C. C. R., 343. ⁴ *Haver vs. Yaker*, 9 Wallace, 32; *The United States vs. Arredondo*, 6 Peters, 691.

cannot become operative as to the particular engagements until all the requisite legislation has taken place.¹

IV. Where a Treaty cannot be executed without the aid of an act of Congress, it is the duty of Congress to enact such laws. Congress has never failed to perform that duty.²

V. But when it can be executed without legislation, the courts will enforce its provisions.³

VI. Where a Treaty is executed in two languages, each the language of the respective contracting parties, each part of the Treaty is an original, and it must be assumed that each is intended to convey the same meaning as the other.⁴

VII. Treaties do not generally *ipso facto* become extinguished by war. Vested rights of property will not become divested in such case.⁵

VIII. The constitution of the United States confers absolutely on the government of the United States the power of making war and of making Treaties, from which it follows that that government possesses the power of acquiring territory either by conquest or by Treaty.⁶

IX. Such acquisition does not impair the rights of private property in the territory acquired.⁷

X. A Treaty of cession is a deed of the ceded territory by the Sovereign grantor, and the deed is to receive an equitable construction. The obligation of the new power to protect the inhabitants in the enjoyment of their property is but the assertion of a principle of natural justice.⁸

XI. In an opinion on the legislation to carry into effect the Treaty of 1819 with Spain, Attorney-General Crittenden held that "An act of Congress is as much a supreme law of the land as a Treaty. They are placed on the same footing, and no superiority is to be given to the one over the other. The last expression of the law-giving power must prevail; and a subsequent act must prevail and have effect, though inconsistent with a prior act; so must an act of Congress have effect, though inconsistent with a prior treaty."¹⁰

XII. Interest, according to the usage of nations, is a necessary part of a just national indemnification.¹¹

The Treaty Power under the Constitution has also been the subject of legislative discussion in Congress.

¹ 6 Op. At.-Gen., 750, Cushing. ² Ibid., 296, Cushing, and cases cited. ³ Foster *et al.* *vs.* Neilson, 2 Peters, 314; United States *vs.* Arredondo, 6 Peters, 735. ⁴ United States *vs.* Arredondo *et al.*, 6 Peters, 710. ⁵ Society for the Propagation of the Gospel *vs.* The Town of New Haven, 8 Wheaton, 464; Carneal *vs.* Banks, 10 Wheaton, 182. ⁶ American Insurance Company *vs.* 356 Bales of Cotton, 1 Peters, 542. ⁷ United States *vs.* Morano, 1 Wallace, 400. ⁸ United States *vs.* Arredondo *et al.*, 6 Peters, 710. ⁹ Soulard *vs.* The United States, 4 Peters, 511; Delannus *vs.* The United States, 9 Peters, 117; Mitchell *vs.* The United States, *Id.*, 711; Smith *vs.* The United States, 10 Peters, 326. ¹⁰ 5 Op. At.-Gen., 345, Crittenden. But see opinions by Justice Chace, 3 Dallas, 236, and by Marshall, C. J., 1 Cranch, 109, each pronouncing the opinions of the Supreme Court. ¹¹ 1 Op. At.-Gen., 28, Wirt; 5 Op. At.-Gen., 350, Crittenden; Geneva Award, 4 Pap. rel. Tr. W., 53.

When the Treaty of 1794 with Great Britain was sent to that body, Edward Livingston, who was a member of the House, moved that the President be requested to transmit to the House a copy of the instructions to Mr. Jay, and of the correspondence and documents relative to the Treaty. This motion was resisted on the ground that the Treaty had become the supreme law, and the House had no constitutional jurisdiction over questions which were settled by it. The House, however, adopted the resolution, 61 ayes, 38 noes.¹ President Washington replied to this resolution thus: "Having been a member of the General Convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject, and from the first establishment of the Government to this moment, my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and with the advice and consent of two-thirds of the Senate, provided two-thirds of the Senators present concur, and that every treaty so made, and promulgated, thenceforward becomes the law of the land. * * * As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a Treaty; as the Treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request."²

The House thereupon, after a short debate, resolved "that it is not necessary to the propriety of any application from this House to the Executive for information desired by them, and which may relate to any constitutional functions of the House, that the purpose for which such information may be wanted, or to which it may be applied, should be stated in the application."³

About a fortnight later a resolution was introduced into the House that legislation ought to be made by law for carrying the Treaty into effect.⁴ This gave rise to a long and animated debate, after which the resolution passed by a vote of 51 to 48.

The debates for carrying into effect the provisions of the Treaty for the cession of Louisiana⁵ were conducted with less manifestation of feeling, and deserve examination in this connection. In 1816, the Senate passed an act to carry into effect the Commercial Convention of 1815 with Great Britain. The substance of this Bill was that so much of any existing act as might be contrary to the provisions of the Convention should be deemed and taken to be of no effect.⁶ The House, on its part, passed an act, in several sections, enacting seriatim the provisions

¹ Annals 1st Sess. 4th Cong., 759. ² *Ib.*, 761-2. ³ *Ib.*, 771-2. ⁴ *Ib.*, 940. ⁵ Annals 1st Sess., 8th Congress. ⁶ Annals 1st Sess., 14th Cong., 36.

of the Treaty. Each body refused to recede from its ground, the Senate claiming that the Treaty was operative of itself, and therefore that the act should be declaratory only, the House affirming that legislation was necessary to carry it into effect. A committee of conference, of which Rufus King was Chairman of the managers on the part of the Senate, and John Forsyth Chairman of the managers on the part of the House, agreed on a Bill which was then enacted.¹

The principle upon which this adjustment was made was thus stated to the House by Forsyth: "Your committee understood the committee of the Senate to admit the principle contended for by the House, that whilst some Treaties might not require, others may require legislative provision to carry them into effect. That the decision of the question, how far such provision was necessary, must be founded upon the peculiar character of the Treaty itself."

In 1843 Wheaton concluded a Commercial Treaty with the German States.² The Senate Committee of Foreign Relations reported adversely to this Treaty, on the ground of the "want of constitutional competency" to make it; and the Senate laid the subject on the table indefinitely. Calhoun, then Secretary of State, comments thus on this act: "If this be a true view of the Treaty-making power, it may be truly said that its exercise has been one continual series of habitual and uninterrupted infringements of the Constitution. From the beginning, and throughout the whole existence of the Federal Government, it has been exercised constantly on commerce, navigation, and other delegated powers."³

The subject was again before Congress when the bill making appropriations for the purchase of Alaska was under consideration. It was elaborately discussed in the House,⁴ but the debate ended by the House accepting from a Conference Committee a preamble reciting that the stipulations of the Treaty "cannot be carried into full force and effect, except by legislation, to which the consent of both Houses of Congress is necessary."⁵

A parallel discussion⁶ took place in the French Chambers of Peers respecting the Convention of 1831.

It remains only to say a few words concerning the administration of the Department charged with the Executive supervision of the Foreign Relations of the United States.

From the date of the appointment by Congress of the Committee of Secret Correspondence, already alluded to, until the autumn of 1781, the management of the Foreign Affairs of the country was in the hands of Committees of Congress. Robert R. Livingston, of New York, was then appointed "their Secretary of Foreign Affairs," and took the oaths of office on the 20th of October, 1781.⁷ Livingston resigned in June

¹ 3 St. at L., 255. ² Globe, 2d Sess. 28th Cong., 3. ³ Calhoun to Wheaton, June 28, 1844, MS. Dept. of State. See Lawrence's note 41 on Wheaton, page 103, Law. Wheat. ⁴ 1, 2, 3, 4, and 5 Globe, 2d Sess. 40th Cong. ⁵ 15 St. at L., 198. ⁶ S. E. Doc. 161, 1st Sess. 24th Cong. ⁷ Livingston to Franklin, 2 D. C., 1776-'83, 173.

1783, and Elias Boudinot, the President of Congress, acted officially as Secretary in the interim.¹

General Thomas Mifflin was chosen President of Congress on the 3d of November, 1783, at the beginning of a new Congress, and as such succeeded to Boudinot as ad interim Secretary. John Jay was elected Secretary on the 7th of May, 1784;² but he did not qualify until the 21st of the following December. He remained the Secretary of Foreign Affairs until the adoption of the Federal Constitution.

The fourth Statute passed by the first Congress convened under the new Constitution provided "for establishing an Executive Department, to be denominated the Department of Foreign Affairs." This became a law on the 27th of July, 1789.³ But it was soon found necessary to enlarge the operations and duties of the Department, and, on the 15th of September, 1789, the President approved "An act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes," in the first section of which it was provided "that the Executive Department, denominated the Department of Foreign Affairs, shall hereafter be denominated the Department of State, and the principal officer therein shall be called the Secretary of State."⁴ Jefferson was appointed Secretary of State on the 26th day of September, 1789,⁵ but did not enter upon the duties of his office until the 21st March, 1790.⁶ Jay, notwithstanding the fact that he had been selected to be Chief Justice, an appointment which he received September 26, 1789, continued to fill the office of Secretary until Jefferson entered upon its duties, although never commissioned as such under the new government.⁷

The following is a complete list of the Secretaries of State since the adoption of the Constitution, with their respective terms of office:

SECRETARIES OF STATE—1789 TO 1872.

<i>Secretaries of State.</i>	<i>Presidents.</i>
1789, Sept. 26. Thomas Jefferson, of Virginia	George Washington.
1794, Jan. 2. Edmund Randolph, of Virginia	do.
1795, Dec. 10. Timothy Pickering, of Pennsylvania	do.
	{ John Adams.
1800, May 13. John Marshall, of Virginia	do.
1801, Mar. 5. James Madison, of Virginia	Thomas Jefferson.
1809, Mar. 6. Robert Smith, of Maryland	James Madison.
1811, Apr. 2. James Monroe, of Virginia	do.
1817, Mar. 5. John Quincy Adams, of Massachusetts	James Monroe.
1825, Mar. 7. Henry Clay, of Kentucky	John Quincy Adams.
1829, Mar. 6. Martin Van Buren, of New York	Andrew Jackson.
1831, May 24. Edward Livingston, of Louisiana	do.

¹ Boudinot to Ministers at Paris, 1 D. C., 1783-'89, 3. ² 9 Journal of Congress, 205, original edition, and 4 Way & Gideon edition, 1823, 400. ³ I. St. at L., 28. ⁴ Ib., 68. ⁵ Register of the Department of State. ⁶ Jefferson to Randolph, March 28, 1790; 3 Jefferson's Works, 128. ⁷ 1 Life of John Jay, by William Jay, 274; 10 Writings of Washington, 11 note.

1833, May 29. Louis McLane, of Delaware.....	Andrew Jackson.
1834, June 27. John Forsyth, of Georgia	{ do.
	{ Martin Van Buren.
1841, Mar. 5. Daniel Webster, of Massachusetts	{ William H. Harrison.
	{ John Tyler.
1843, May 24. Hugh S. Legare, of South Carolina.....	do.
1843, July 24. Abel P. Upshur, of Virginia.....	do.
1844, Feb. 29. John Nelson, of Maryland.....	do.
1844, Mar. 6. John C. Calhoun, of South Carolina	do.
1845, Mar. 6. James Buchanan, of Pennsylvania.....	James K. Polk.
1849, Mar. 7. John M. Clayton, of Delaware.....	{ Zachary Taylor.
1850, July 22. Daniel Webster, of Massachusetts.....	{ Millard Fillmore.
1852, Nov. 6. Edward Everett, of Massachusetts.....	do.
1853, Mar. 7. William L. Marcy, of New York.....	Franklin Pierce.
1857, Mar. 6. Lewis Cass, of Michigan.....	James Buchanan.
1860, Dec. 17. Jeremiah S. Black, of Pennsylvania	do.
1861, Mar. 5. William H. Seward, of New York	{ Abraham Lincoln.
	{ Andrew Johnson.
1869, Mar. 5. Elihu B. Washburne, of Illinois	U. S. Grant.
1869, Mar. 11. Hamilton Fish, of New York.....	do.

ABROGATED, SUSPENDED, OR OBSOLETE TREATIES.

1. *Treaties annulled by Act of Congress*: Alliance with France, 1778; Amity and Commerce with France, 1778; Act Separate and Secret with France, 1778; Consular Convention with France, 1788. The circumstance which led to the Act of Congress annulling these Treaties are stated under the title "France." This Act of Congress was the subject of some discussion between the Plenipotentiaries who negotiated the Convention of 1800.¹ The latter Convention contained originally a statement that the Plenipotentiaries could not agree respecting these Treaties, and that the Parties should negotiate further upon the subject. The Senate, in consenting to the ratification, expunged that Article. Bonaparte accepted this action of the Senate, "Provided that by this retrenchment the two States renounce the respective pretensions which are the object of the said Article." This was explained by the American Plenipotentiary, Murray, as a "wish to get rid of both the claim to Treaties and indemnities."² In this sense it was accepted in its turn by the Senate, and thus the question was laid at rest, and has not been mooted since.

A French writer of authority says of these proceedings: "Le motif que porta le gouvernement américain à insister sur le retranchement d'un article que ni l'engageait à rien, paraît avoir été de ne laisser aucun doute sur la ferme résolution où il était de ne jamais consentir au renouvellement des traités de 1778; et si la reconnaissance, déjà rare parmi les particuliers, n'est pas un devoir des gouvernements, le président des États-Unis pouvait se croire autorisé à saisir une occasion de

¹ 2 F. R. F., 295-345.

² 6 F. R. F., 145.

se soustraire à une obligation qui était au-dessus de ses forces, puisque la république manquait de flottes pour protéger les possessions françaises dans le golfe du Mexique. Par cette raison, la prétendue garantie stipulée par le traité de 1778, était devenue tout-à-fait illusoire pour la France. Aussi le premier consul ne fit-il pas beaucoup de difficulté d'admettre cette ratification modifiée, quoique peu usitée dans la diplomatie moderne. Il ajouta seulement à son acceptation cette phrase : 'bien entendue que, par ce retranchement, les deux états renoncent aux prétensions respectives qui sont l'objet du dit articles,' annonçant ainsi qu'on n'accueillerait dorénavant aucune réclamation des Américains pour indemnité due à raison de bâtiments illégalement enlevés par les corsaires français."¹

II. *Treaties expired by their own limitation* : So much of the Treaty of 1824 with Colombia, and of 1825 with Central America as relates to commerce and navigation ; Colombia, 1824 ; France, 1800 ; Great Britain, Articles XI to XXVIII, inclusive, of the Treaty of 1794 ; Morocco, 1787 ; Prussia, 1785, (but the twelfth article is revived by the Treaty of 1828 ;) Prussia, 1799, (but Articles XIII to XXIV are revived by the Treaty of 1828 ;) Sweden, 1783, together with the Separate Articles, (but Articles 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, and 25 of the Treaty, and Articles 1, 2, 4, and 5 of the Separate Articles are revived by the Treaty of 1827.)

III. *Treaties terminated in consequence of notice given in accordance with the provisions of the Treaty* : Belgium, 1845 ; so much of the Treaty of 1828 with Brazil as relates to commerce and navigation ; Chili, 1832 ; Chili, 1833 ; Reciprocity Treaty with Great Britain, 1854 ; Peru, 1851 ; Peru, 1857 ; Venezuela, 1836 ; Venezuela, 1860.

IV. *Treaties with countries which have been annexed to the United States* : Texas, 1838. Two Treaties.

V. *Treaties with Powers which have been absorbed into other nationali-*

¹ 6 Garden, traités de paix, 131. "The motive which induced the American Government to insist upon the withdrawal of an article which committed it to nothing appears to have been, to leave no doubt respecting its firm determination never to consent to a renewal of the Treaties of 1778 ; and if such a recognition, rare among individuals, is not a duty of governments, the President thought himself authorized to seize the opportunity to release himself from an obligation which was beyond his powers, since the republic had no navy with which to protect the French possessions in the Gulf of Mexico. For this reason the pretended guarantee, stipulated by the Treaty of 1778, had become illusory for France. The First Consul, therefore, had not much difficulty in accepting this modified ratification, though quite unusual in modern diplomacy. He only added to his acceptance this phrase : "Provided that by this retrenchment the two States renounce the respective pretensions which are the object of the said article," thus giving notice that thenceforth he would receive no reclamation from the Americans for indemnities due in consequence of illegal seizures of vessels by French privateers."

ties by conquest: Algiers, 1795; 1815; 1816; French jurisdiction is extended by conquest over Algiers, and Consuls are acting there under French exequaturs. Hanover, 1846; 1855; 1861. The jurisdiction of Prussia was extended over Hanover by conquest in 1866, and Hanover now constitutes a part of the Kingdom of Prussia.

Nassau, 1846. Prussian jurisdiction was extended over Nassau by conquest in 1866.

Netherlands, 1782. A war between the United Provinces and France broke out in 1793. In 1795 the Stadtholder was driven from the country and the Batavian Republic was established. This was succeeded by the Kingdom of Holland, after which the country was incorporated into the French Empire, and remained a part of that Empire until the abdication of Napoleon. On the reconstruction of Europe at the Congress of Vienna, a new Kingdom was formed, called the Kingdom of the Netherlands, in which was included the territories which had formed the United Provinces of the Netherlands. The new Power opened Diplomatic Relations with the United States by sending a Minister to Washington, who proposed "to open negotiations for a treaty of Amity and Commerce."¹ Monroe replied to this in a letter already quoted. The negotiations having been suspended, the Dutch Minister called the attention of Monroe to "the overtures made by Changuion for the purpose of consolidating the commercial relations between the two countries by a renewal or a modification of the Treaty of Commerce of 1782."² Monroe answered: "Mr. Changuion having intimated, by order of his government, that the Treaty of 1782 was to be considered, in consequence of the events which have occurred in Holland, as no longer in force, and having proposed also to enter into a new Treaty with the United States, this Government has since contemplated that result. It is presumed that the former Treaty cannot be revived without being again ratified and exchanged in the form that is usual in such cases, and in the manner prescribed by our Constitution."³ Ten Cate replied, "His Majesty will undoubtedly be disposed to enter into the views of the American Government with regard to the consolidation, by some means, of the commercial relations between the two States."⁴ The negotiations failed for reasons stated in the President's Message to Congress.⁵ The United States subsequently attempted to maintain that the Treaty was not abrogated, but the claim was resisted, and a long correspondence ensued.⁶ The Dutch Foreign Minister maintained that from 1795 to 1814 "the political existence of Holland was then terminated," that "Holland had ceased for a long time to form an independent State."⁷ The United States acquiesced in this statement. In a re-

¹ Changuion to Monroe, February 24, 1815, MS. Dept. of State. ² Ten Cate to Monroe, April 4, 1816, MS. Dept. of State. ³ Monroe to Ten Cate, August 17, 1816, MS. Dept. of State. ⁴ Ten Cate to Monroe, Sept. 16, 1816, MS. Dept. of State. ⁵ 4 F. R. F., 172. ⁶ 5 F. R. F., 598-629. ⁷ Baron de Nagell to Alexander H. Everett, 14th June, 1819 *Ib.*, 608.

cent correspondence the United States have informed the Minister of Holland that "The Treaty of 1782 is no longer binding on the parties."¹

The principle of public law which causes Treaties under such circumstance to be regarded as abrogated is thus stated: "The obligations of Treaties, even where some of their stipulations are in their terms perpetual, expire in case either of the contracting parties loses its existence as an independent State, or in case its internal constitution is so changed as to render the Treaty inapplicable to the new condition of things."²

VI. *Treaties expired in consequence of the dissolution of the Federation with which they were made*: Colombia, 1824; Central America, 1825; Peru, Bolivia, 1836.

VII. *Treaties or Parts of Treaties for which other agreements have been substituted by acts of the Parties*: China, 1844, (Treaty of 1858 substituted so far as the provisions relate to identical subjects;) Great Britain, 1827, (Treaty of 1846 substituted;) Great Britain, 1862, (provisions as to mixed Tribunals abolished by the Treaty of 1870;) Japan, 1854, (the Treaty of 1858 substituted for so much as conflicts with the latter;) Mexico, 1831, (Art. 33 abrogated by Art. 2 of Treaty of 1853; and 1848, Arts. 6, 7, and 11 renounced by the Treaty of 1853;) Russia, 1824, (Arts. 3 and 4 made inoperative by the Treaty of 1867;) Sardinia, 1838, (the Treaty of 1871 with Italy takes its place;) Tunis, 1777, (Arts. 6, 11, 12, and 14 modified by the Treaty of 1824;) Two Sicilies, 1832, (Treaty of 1855 substituted, and the Treaty with Italy of 1871 takes the place of that.)

VIII. *Treaties the Executory Parts of which are claimed to have been terminated by war*: Great Britain, 1782, 1783, 1794, and the Additional and Explanatory Articles thereto, and 1802; Mexico, 1828, 1831, (revived by Art. 17 of the Treaty of 1848;) Additional Article to Treaty of 1831.

After the conclusion of the Treaty of Ghent it was claimed by Great Britain that the rights which the Americans had enjoyed in the British fisheries before the war, under the Treaty of 1783, had been lost through the abrogation of the Treaty in consequence of the war. John Quincy Adams, who was the United States Minister at London at that time, contended that the Treaty of 1783 was not "one of those which by the common understanding and usage of civilized nations is or can be considered as annulled by a subsequent war between the same parties."³ Lord Bathurst replied, "To a position of this novel nature Great Britain cannot accede. She knows of no exception to the rule that all Treaties are put an end to by a subsequent war between the same parties."⁴ During the negotiations which followed Great Britain never abandoned

¹ Mr. Fish to Mr. de Westenburg, 9th April, 1873, MS. Dept. of State. ² Halleck's International law, 899; see also Vattel Droit des Gens Liv. 2, ch. 12, § 176; Wheaton's Elements, part 3, ch. 2, § 10; Wiedman's Int. Law, v. 1, ch. 4. ³ 4 F. R. F., 352. ⁴ Ib., 354.

that position, and the United States may be said to have acquiesced in it. By it they secured the exclusion of Great Britain from the Mississippi, the free and open navigation of which was granted to the subjects of Great Britain forever by the Treaty which Lord Bathurst set aside.

The political department of the Government of the United States assumed the same position during the Mexican war. President Polk, in his annual message to Congress, in December, 1847, said, "A state of war abrogates Treaties previously existing between belligerents, and a treaty of peace puts an end to all claims for indemnity."¹

The views of the highest court of the United States on the subject of the abrogation of a Treaty by war are stated in the Introduction to these Notes.

ALIENS AND ALIENAGE.

The instructions to Jay, in 1794, left it to the discretion of that Minister "whether * * the subject of a Commercial Treaty may not be * * broken to the British Ministry." Should that be done, the "general objects" which it should effect were enumerated; among these it is said, "10th. The intercourse with England makes it necessary that the disabilities, arising from alienage in cases of inheritance, should be put upon a liberal footing, or rather abolished."²

The 9th Article of the Treaty of 1794 with Great Britain provides that British subjects then holding lands in the territories of the United States may continue to hold them according to the nature and tenure of their respective estates, and titles therein; and may grant, sell, and devise the same as if they were natives; and that neither they, nor their heirs or assigns, shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

In a case arising under this Article the Supreme Court of the United States held that the stipulation which it contains was within the constitutional powers of the Union.³

Attorney-General Cushing says that the case of *Fairfax Less. vs. Hunter* presented "the direct constitutional question in its fullest conditions," and adds that this is "a stipulation of Treaty, constitutional in substance and form."⁴ It has, however, been questioned in later times by a Justice of the Supreme Court, whether the General Government can, by Treaty, control the succession of Real Estate in a State.⁵

In 1870 a proposal was made to the Department of State to open negotiations with a Foreign Power, with a view of conferring upon citi-

¹ *Globe*, 1st Sess. 30th Cong., 5. ² 1 F. R. F., 473. ³ *Fairfax's Lessee vs. Hunter's Lessee*, 7 Cranch, 627; see also *Orr vs. Hodgson*, 4 Wheaton, 453; *Blight vs. Rochester*, 7 Wheaton, 535; *Hughes vs. Edwards*, 9 Wheaton, 489; *Shanks vs. Dupont*, 3 Peters, 242; *Ware vs. Hylton*, 3 Dallas, 212; *Chirac vs. Chirac*, 2 Wheaton, 259. ⁴ 8 Op. At.-Gen., 417, Cushing. ⁵ *Prevost vs. Greneaux*, 19 Howard, 7.

zens of each the power of holding, disposing of, and succeeding to real estate in the territories of the other. In deference to the doubts suggested from the bench, the question was submitted to the Committee of Foreign Relations of the Senate for advice. After full consideration they advised the negotiation of a Treaty for that purpose if possible.¹

When the contents of the Treaty of 1794 became known, it was received with discontent, and petitions, all couched in the same language, were circulated through the country for signatures, in order that they might be presented to the House of Representatives in opposition to the Treaty. Ten instances were mentioned in these petitions in which the Treaty was supposed to have encroached upon the legislative powers vested in Congress. The seventh of these was "in changing the terms of and establishing a rule to hold real estate."² This point was not dwelt upon, however, in the discussions in Congress.

A glance at the Title "Real Estate" in the analytical index will show that the Executive Department of the Government has adopted the views of the Constitution taken by the Supreme Court in the case of Fairfax and Hunter, and that many Treaties have been concluded, through successive administrations, in which this power over real estate has been claimed and exercised.

For an opinion of Attorney-General Cushing on the subject of Estates of Foreign Decedents, see v. 8 of the Opinions of the Attorneys-General, p. 98.

AUBAINE. DROIT D'.

"The municipal laws of all European countries formerly prohibited aliens from holding real property within the territory of the State. During the prevalence of the feudal system, the acquisition of property in land involved the notion of allegiance to the Prince within whose dominions it lay, which might be inconsistent with that which the proprietor owed to his native Sovereign. It was also during the same rude ages that the *jus albinagié* or Droit d'Aubaine was established; by which all the property of a deceased foreigner (movable and immovable) was confiscated to the use of the State, to the exclusion of his heirs, whether claiming ab intestato or under a will of the decedent. In the progress of civilization this barbarous and inhospitable usage has been, by degrees, almost entirely abolished. This improvement has been accomplished either by municipal regulations or by international compacts founded upon the basis of reciprocity. * * * The analogous usage of the *droit de detraction* or *droit de retraite*, (*jus detractûs*), by which a tax was levied upon the removal from one State to another of property acquired by succession or testamentary disposition, has also been reciprocally abolished in most civilized countries."³

¹ Mr. Sumner, Chairman of Senate Com. of Foreign Relations, to Mr. Fish, April 21 1870, MS. Dept. of State. ² Pitkin's History U. S., 454, note. ³ Wheaton's Elements of International Law, Part II, Chapter II, Section 82.

AUSTRIA.

The period for exchanging the ratifications of the Commercial Treaty of 1829 with Austria was extended, with the advice and consent of the Senate, (February 3, 1831.) The Emperor's consent was expressed in the certificate of ratification February 10, 1831. The Treaty was communicated to the House of Representatives by the President on the 2d of March, 1831.¹

On the 13th of February, 1850, the Senate extended the time for exchanging the ratifications of the Treaty of 1848 to July 4, 1850, and the ratifications were exchanged on the 23d of that month.

The naturalization Treaty was sent to the Senate on the 12th day of December, 1870, with the correspondence relating to it. The ratifications not being exchanged within the limitations of the Treaty, the time was extended three months.

BARBARY STATES.

"Before the war of Independence, about one-sixth of the wheat and flour exported from the United States, and about one-fourth in value of their dried and pickled fish, and some rice, found their best markets in the Mediterranean."²

This trade then employed about 12,000 men, and 20,000 tons of shipping, and was protected by British passes.³

The war of the revolution having abrogated this protection, Congress early took into consideration plans for substituting another in its place.

In the sketch for a Treaty which that body, on the 17th of September, 1776, agreed that their Commissioners should endeavor to conclude with the French King, an article was inserted to the effect that France should protect, defend, and secure, as far as in its power, the subjects, people, and inhabitants of the United States and their vessels and effects against all attacks, assaults, violences, injuries, depredations, or plunderings, by or from the King or Emperor of Morocco, or Fez, and the States of Algiers, Tunis, and Tripoli, and any of them, and every other Prince, State, and power on the coast of Barbary,⁴ and the Commissioners were instructed that this article "ought to be obtained, if possible; but should be waived rather than that the Treaty should be interrupted by insisting upon it."⁵ The Commissioners did not obtain such protection. Instead of it, the King of France in the Treaty, of 1778, agreed to "employ his good offices and interposition" with those powers, "in order to provide as fully and efficaciously as possible for the benefit, conveniency, and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and

¹ H. E. Doc. 129, 2d Sess. 21st Cong. ² Report of Mr. Jefferson, Secretary of State, 1 F. R. F., 104. ³ 2 Lyman's History of the Diplomacy of the United States, 339. ⁴ 2 Secret Journals of Congress, 10. ⁵ *Ib.*, 23.

effects, against all violence, insults, attacks or depredations on the part of the said Princes and States of Barbary, or their subjects."¹

The recognition of the Independence of the United States by Great Britain found no steps taken in this direction, for reasons which appear in the official correspondence.² Mr. Adams, therefore, wrote to the President of Congress on the 10th September, 1783: "There are other Powers with whom it is more necessary to have Treaties than it ought to be; I mean Morocco, Algiers, Tunis, and Tripoli. * * * If Congress can find funds to treat with the Barbary Powers, the Ministers here are the best situated. * * * Ministers here may carry on this negotiation by letters, or may be empowered to send an agent if necessary."³

Congress authorized a Commission to be issued to Mr. Adams, Dr. Franklin, and Mr. Jefferson, which was done on the 12th of May, 1784, empowering them, or a majority of them, to treat with Morocco, Algiers, Tripoli, and Tunis, as well as with the several Powers of Europe.⁴

On the 28th of March, 1785, these Commissioners addressed a joint note to Count de Vergennes, asking his advice upon the conduct of their negotiations, and requesting that the good offices of the French King should be interposed with the Emperor of Morocco, according to the tenor of the 8th Article of the Treaty of 1778.⁵

Franklin left Paris for America on the 12th of July, 1785,⁶ and Adams and Jefferson, finding themselves engaged in the negotiation of Treaties with European Powers, and having received authority to empower substitutes to negotiate with the Barbary States, in October of that year commissioned Thomas Barclay to negotiate with Morocco,⁷ and John Lamb to negotiate with Algiers,⁸ and they reported their proceedings to Jay, who referred them to Congress, with a recommendation that they should be approved.

In the spring of the next year Jefferson was induced to go to London to meet Abdrahaman, the Tripoline Ambassador, who expressed a desire to negotiate with the Commissioners.⁹ They found "that 30,000 guineas for his employers, and £3,000 for himself, was the lowest terms upon which a perpetual peace could be made," and that Tunis would treat upon the same terms, "but he would not answer for Algiers or Morocco."¹⁰ These demands were so exorbitant that the negotiations were suspended.¹¹

Morocco.

Barclay was, however, instructed to continue his negotiations with Morocco.¹²

¹ Art. 8. ² 1 D. C., 1783-'89, 570-571. ³ 4 D. C., 1776-'83, 116. ⁴ 1 D. C., 1783-'89, 501-2. ⁵ 1 D. C., 1783-'89, 568. This letter is printed incorrectly, with the date of "Passy, March 28, 1786." On that day Adams and Jefferson were in London, and Franklin was in America. ⁶ 10 Franklin's Works, 222. ⁷ 1 D. C., 1783-'89, 656. ⁸ *Ib.*, 657. ⁹ *Ib.*, 728. ¹⁰ *Ib.*, 604. ¹¹ *Ib.*, 768. ¹² *Ib.*

By the 16th of July, 1786, a Treaty with Morocco was nearly agreed upon.¹ After its conclusion Count de Vergennes wrote to the French Minister in the United States: "You can assure the Congress that the King will seize with eagerness all occasions to facilitate their good intelligence with the Barbary Powers. * * The Treaty which has been recently signed with this last Power (Morocco) * * will be the best refutation of the suspicions which many public papers are willing to inspire against our system of policy."²

On the death of the Emperor who concluded the Treaty, twenty thousand dollars was appropriated by Congress "to the purpose of effecting a recognition of the Treaty * * with the new Emperor;"³ and instructions were sent to secure the recognition for the twenty thousand dollars if possible; if not, for twenty-five thousand.⁴

The Treaty was renewed, or rather recognized, by the new Emperor, who wrote to President Washington, "We have received the present at his [the Consul's] hands with satisfaction. * * Continue writing letters to us; * * we are at peace, tranquillity, and friendship with you, in the same manner as you were with our father, who is in glory."⁵

In 1803 a Moorish pirate captured an American vessel, which was released by force by an American frigate; and when hostile demonstrations were threatened for this breach of the Treaty, the Emperor issued an order that "the American nation are still, as they were, in peace and friendship with our person, exalted of God."⁶

The Treaty concluded in 1787 to endure for fifty years, was, in its forty-ninth year, renewed for another fifty years, and for such further time as it should remain unaffected by notice.⁷

In 1865 a convention was concluded for maintaining a light-house at Cape Spartel. The correspondence respecting it will be found in the Senate documents.⁸

Algiers.

About the commencement of the year 1791, Mr. Jefferson, the Secretary of State, reported to President Washington that there were held captive as slaves in Algiers two American Masters, for whose ransom 3,000 sequins each were demanded; two mates, for whom 2,000 sequins each were asked; and ten sailors, held at 750 sequins each;⁹ and he reported to Congress that the navigation into the Mediterranean had not been resumed at all since the peace; and that the sole obstacle had been the unprovoked war with Algiers, and the sole remedy must be to bring that war to an end, or to palliate its effects.¹⁰

¹ *Ib.*, 814. ² *Ib.*, 242. ³ 1 F. R. F., 238. ⁴ Randolph to Humphreys, March 28, 1795. *Ib.*, 525. ⁵ 1 F. R. F., 527. ⁶ 2 F. R. F., 591-2. ⁷ H. E. Doc., 145, 2d Sess. 24th Cong.

⁸ Confidential Executive Document X, 1st Session 39th Congress. ⁹ 1 F. R. F., 119.

¹⁰ *Ib.*, 104.

On the 8th of May, 1792, President Washington asked the Senate whether in case a Treaty should be concluded with Algiers for the ransom of the thirteen Americans for a sum not exceeding forty thousand dollars, the Senate would consent; and whether they would consent to a Treaty of Peace stipulating for the payment of \$25,000, on the signature of the Treaty, and a like sum annually?¹ The Senate answered each question in the affirmative,² and the President appointed Admiral John Paul Jones a Commissioner to negotiate a Treaty,³ with Thomas Barclay as a substitute, in case Jones should not act.⁴ Jones died before the appointment could reach him, and Barclay died soon after, without going to Morocco. Col. David Humphreys, then the Minister of the United States at Lisbon, was thereupon appointed a Plenipotentiary in their place.⁵ Eight hundred thousand dollars were placed at his disposal, and he was instructed that "the President has under consideration the mode in which the eight hundred thousand dollars may be expended in the purchase of a peace; that is, how much shall be applied to the ransom, and how much to the peace."⁶ More precise instructions followed on the 25th of August, 1794.⁷ A Swede named Skjoldebrand, brother of the Swedish Consul at Algiers, interested himself in the unfortunate captives, and informed Humphreys (who remained at Lisbon) that a peace could be obtained for the United States for about the following sums, (in dollars,) viz: "For the Treasury, in money or timber of construction, fifty thousand; For the great officers and relations of the Dey, one hundred thousand; Consular present, thirty thousand; Redemption of slaves, from two hundred to two hundred and fifty thousand; in all between six and seven hundred thousand; together with an annual tribute of from twenty-five to thirty thousand; and a Consular present every two years of about nine or ten thousand dollars."⁸ Humphreys sent this communication home, and received instructions "that Skjoldebrand's terms are to be acceded to, if better cannot be obtained."⁹ Only a few days before this instruction was written, the Secretary of State had informed Col. Humphreys of the wishes of the Government and the country on this subject: "You are by this time," he said, "apprized of the expectation of the President, that you will continue your labors on this head, and of your title to draw for eight hundred thousand dollars, to soothe the Dey into a peace and ransom. The humanity of our countrymen has been long excited in behalf of our suffering fellow-citizens."¹⁰ In March, 1795, Donaldson, the Consul to Tunis and Tripoli, was associated with Humphreys, and the latter was also authorized to employ Skjoldebrand in negotiating the Treaty with the Dey.¹¹ Joel Barlow was added to the negotiators by Monroe and Humphreys in Europe.¹² Donaldson arrived in Algiers on the 3d of September, and concluded the Treaty on the 5th,

¹ Ib., 136. ² Ib., 290. ³ Ib. ⁴ Ib., 292. ⁵ Ib., 294. ⁶ Ib., 528. ⁷ Ib., 529. ⁸ Ib. ⁹ Randolph to Humphreys, Nov. 21, 1794, MS. Dept. of State. ¹⁰ Randolph to Humphreys, Nov. 8, 1794, MS. Dept. of State. ¹¹ 1 F. R. F., 529. ¹² Ib., 553.

on which day Barlow arrived, and they joined in their report to Humphreys.¹

Congress was informed by President Washington, in his speech at the opening of the second session of the Fourth Congress, of the probability that the Treaty would be concluded, "but under great, though inevitable disadvantages in the pecuniary transactions occasioned by that war."² A few days later the House called for information as to the measures taken to carry the Treaty into effect,³ which was communicated confidentially on the 9th January, 1797.⁴ The Bill making appropriations for these objects was discussed with closed doors,⁵ and was passed February 22, 1797, by 63 ayes to 19 nays.⁶ The Secretary of the Treasury estimated the whole expense of fulfilling the Treaty at \$992,463.25.⁷ In March, 1802, President Jefferson was able to advise Congress that "the sums due to the Government of Algiers are now fully paid up."⁸

In 1808, an enquiry being made by Congress respecting the payments to Algiers, the Secretary of State reported that they were "of two kinds: 1st. That stipulated by Treaty, viz: Twelve thousand sequins, equal to twenty-one thousand six hundred dollars, made annually in naval stores. 2d. Those made in conformity with what is called usage at Algiers, by which it is understood we are bound. These are—1. The present on the presentation of a Consul, \$20,000. 2. The biennial presents to the officers of the government, estimated at \$17,000. 3. Incidental and contingent presents, as well on the promotion of the principal officers of the Dey and regency, as for the attainment of any important object. Of these no estimate can be made."⁹

The course pursued by Algiers during the last war with Great Britain induced President Madison, in February, 1815, to recommend Congress to declare war against the Dey. The Committee to whom the message was referred reported that war existed and was being waged by the Dey against the United States.¹⁰ A naval force was despatched to Algiers, and an Algerine frigate¹¹ and brig¹² were captured en route to that place. The squadron arrived off Algiers on the 28th of June, and on the 29th opened communications with the Government. The next day the Dey proposed a Treaty. The American negotiators replied by forwarding a draft for a Treaty, and by declaring that "the United States would never stipulate for paying tribute under any form whatever." The Dey and his officers asked for time, but it was refused. "They even pleaded for three hours. The reply was, 'not a minute,' and the Treaty was signed and the prisoners released."¹³

The papers relating to the only remaining Treaty with Algiers (that of 1816) will be found in 5 F. R. F., 133, et seq.

¹ Ib., 554. ² Annals 2d sess. 4th Cong., 1593. ³ Ib., 1703, 1763-7. ⁴ Ib., 2235. ⁵ Ib., 1895, 2235. ⁶ Ib., 2246. ⁷ Ib., 2239. ⁸ 1 F. R. F., 555. ⁹ 2 F. R. F., 381. ¹⁰ 3 F. R. F., 33. ¹¹ Ib., 748-9. ¹² Annals 1st sess. 14th Congress, 1767. ¹³ Ib., 1762-3. ¹⁴ Decatur and Shaler to Monroe, Ib., 1475. See also Ib., 1762, et seq., and 4 F. R. F., 6.

Tripoli.

On the 4th of November, 1796, Barlow concluded a Treaty with the Bashaw of Tripoli. "The price of the peace was advanced" to the United States by the Dey of Algiers.¹ But the Bashaw did not long rest contented. In April, 1800, he told Cathcart, the American Consul, to say to the President that he was "pleased with the proffers of friendship," but "that had his protestations been accompanied with a frigate or brig of war, * * he would be still more inclined to believe them genuine."² On the 12th of May he said to him, "Why do not the United States send me a voluntary present? * * I am an independent Prince as well as the Bashaw of Tunis, and I can hurt the commerce of any nation as much as the Tunisians."³ The same month he wrote to the President, "Our sincere friend, we could wish that these your expressions were followed by deeds, and not by empty words. * * If only flattering words are meant, without performance, every one will act as he finds convenient. We beg a speedy answer, without neglect of time, as a delay on your part cannot but be prejudicial to your interests."⁴

The answer made was a naval squadron and a war against Tripoli on land and at sea, which was terminated on the 4th of June, 1805, by a Treaty signed on board of an American man-of-war in the harbor of Tripoli.⁵ Nothing was paid for the peace. Prisoners were exchanged man for man, and \$60,000 were paid by the United States for the release of the number of American prisoners in the hands of the Tripolines over and above the number of Tripolines in the hands of the Americans. They were about two hundred.

Tunis.

The Treaty with Tunis was negotiated under the directions of Barlow in 1797.⁶ It cost one hundred and seven thousand dollars, viz: \$35,000, Regalia; \$50,000, Peace; \$12,000, Peace presents; \$4,000, Consul's presents; and \$6,000, Secret service. The Senate advised its ratification, on condition that the 14th Article should be modified.⁷ This modification appears to have been assented to in 1799.⁸ See 2 F. R. F. 799, and 3 F. R. F. 394, for correspondence, &c., respecting other questions arising between the two Powers.

In 1824 the modified Articles were agreed to in the form in which they now stand.⁹

General remarks.

In the interesting report of Jefferson to the House of Representatives concerning the Mediterranean Trade, which has been already referred to,¹⁰ three modes of dealing with the Barbary pirates are indicated: 1. To

¹ President Adams's Message to Congress, June 23, 1797, 2 F. R. F., 65. For the Message communicating it to the Senate, see 3 Annals 5th Congress, 3094. ² 2 F. R. F., 350. ³ *Ib.* 352. ⁴ *Ib.*, 717-718. ⁵ 2 F. R. F., 123-5. ⁶ *Ib.*, 126. ⁷ *Ib.*, 281. See, also, 3 Annals 15th Cong., 3287. ⁸ 5 F. R. F., 430. ⁹ 1 F. R. F., 104.

ensure vessels and cargoes and to agree upon a fixed rate of ransom for prisoners. 2. To purchase peace. 3. To conquer a Peace; and he concludes: "It rests with Congress to decide between war, tribute, and ransom, as the means of re-establishing our Mediterranean commerce."

Under the policy adopted by Congress the "total amount of real expenditures" "exclusive of sundry expenses incurred but not yet paid" were stated by the Secretary of the Treasury, on the 30th July, 1802, at \$2,046,137.22.¹ This was before the war with Tripoli.

The Statutes under which payments were made are the following: 1791, ch. 16, 1st Stat. at Large, 214; 1792, ch. 24, Ib., 256; 1796, ch. 19, Ib., 460; 1797, ch. 12, Ib., 505; 1797, ch. 12, Ib., 553; 1798, ch. 18, Ib., 544; 1799, ch. 28, Ib., 723; 1800, ch. 47, 2 Stat. at Large, 66; 1803, ch. 19, Ib., 215; 1804, ch. 21, Ib., 269; 1805, ch. 21, Ib., 321; 1806, ch. 33, Ib., 388; 1807, ch. 29, Ib., 436; and from this time forward there was an annual appropriation until the Tribute was terminated.

BAVARIA.

The words "real and" in parentheses on page 52 are encircled in red ink in the original. The cause of this is the following: The Treaty was submitted to the Senate, and ratified by it on the 15th March, 1845, with an amendment striking out from the third article the words "real and." The copy for exchange, with this amendment, was sent to Mr. Wheaton, and a copy was transmitted by him to the Bavarian Minister at Berlin; and after long deliberation the amendment was accepted by the Bavarian Government.²

BELGIUM.

On the 20th of August, 1857, Mr. Bosch Spencer, the Belgian Minister at Washington, wrote General Cass, the Secretary of State, thus: "*Le soussigné a été chargé par le gouvernement du roi, de dénoncer officiellement le traité du dix novembre 1845, ainsi qu'il a l'honneur de la faire aujourd'hui en adressant la présente communication à l'honorable secrétaire d'état des États-Unis.*"³ General Cass acknowledged the receipt of this notice on the 3d of September, 1857.

The ratifications of the Consular Convention of 1868 were not exchanged within the time limited by the Treaty. The Senate by resolution of March 2d, 1870, confirmed an exchange made at a later day.

¹ 2 F. R. F., 369. ² Buchanan to Wheaton, No. 68, 27th March, 1845. Wheaton to Buchanan, No. 276, 5th Nov., 1845. MS. Dept. of State. ³ "The undersigned has been charged by the Government of the King to terminate officially the Treaty of the 10th of November, 1845, as he now has the honor to do by addressing the present communication to the honorable Secretary of State of the United States." MS. Records, Dept. of State.

BORNEO.

For the correspondence relating to the negotiation of the Treaty with Borneo, see "Message from the President of the United States in answer to a Resolution of the Senate calling for information in relation to the mission of Mr. Balestier, late United States Consul at Singapore, to Eastern Asia," February 12, 1852.¹

BRAZIL.

On the 26th of March, 1840, Mr. Chaves, the Brazilian Minister at Washington, wrote thus to the Secretary of State: "Le gouvernement impérial est mis dans l'obligation de ne pas prolonger la durée du traité conclu entre l'empire et cette république le 12 décembre 1828, au-delà du terme énoncé dans l'Article 11 du même traité; devant par conséquent le dit traité être terminé à l'expiration de douze mois à compter de cette date, pour les articles seulement qui se rapportent au commerce et à la navigation."² This notice was received on the 27th of March, 1840, and was answered by Mr. Forsyth, Secretary of State, on the 20th of June, 1840, thus: "Although each party has reserved to itself the right of terminating the Treaty at the expiration of twelve months from the date of the notification of its intention; yet the privilege of giving such notification is so restricted that neither party can give it before the expiration of the twelve years stipulated for the duration of the Treaty; that consequently the earliest date at which the notice intended to be conveyed by Mr. Chaves' note can be given, is the 12th of December of this year; and that the earliest period at which, under any circumstances, the Treaty can cease to be operative, is the 12th of December of the year 1841. The President, however, anxious at once to gratify the wishes of the Brazilian Government, and to show, by his readiness to comply with the spirit of the Treaty, the sincerity of the disposition with which, in all its clauses, it has been fulfilled by the United States, is willing to overlook the departure from the strict letter of the instrument involved in the premature notice given in Mr. Chaves' note, and to receive said notice as if given in accordance with the terms of the Treaty at the expiration of the twelve years."³ For the correspondence in the negotiation of the Treaty, see House Executive Document 32, 1st Session 25th Congress.

¹ S. E. Doc. 38, 1st Sess. 32d Cong. ² "The Imperial Government is obliged not to prolong the duration of the Treaty concluded between the Empire and this Republic, of Dec. 12, 1828; therefore, by the terms contained in Article 11 of the said Treaty, at the expiration of twelve months from this date the said Treaty will be terminated, only for the articles relating to commerce and navigation." MS. Records, Dept. of State. ³ *Ib.*

CENTRAL AMERICA.

The federation of the States of Guatemala, San Salvador, Honduras, Nicaragua, and Costa Rica, under the name of the United States of Central America, was proclaimed July 1, 1823,¹ and was dissolved in 1838.² But one Treaty (1825) was concluded with this power, the articles in which, relating to commerce and navigation, expired by their own limitation on the 2d of August, 1838; the remaining articles were abrogated by the dissolution of the Federation.

But, on the 19th of April, 1850, the United States agreed with Great Britain that neither party should occupy, or fortify, or colonize, or assume, or exercise any dominion over any part of Central America. After this Treaty, the British occupation of the Mosquito coast continued as it had been before the conclusion of the Treaty. This caused representations from the United States, which developed a wide difference of opinion respecting the obligations which Great Britain had assumed.³ The two Governments tried in vain to adjust these differences by Treaty. Great Britain thereupon made separate arrangements with the several States—with Guatemala, April 30, 1857;⁴ with Honduras, November 28, 1859;⁵ and with Nicaragua, January 28, 1860.⁶ These separate arrangements are understood, in the aggregate, to comply with the expectations of the United States.

CHILI.

On the 19th of January, 1849, M. Carvallo, Chilian Minister at Washington, wrote to Mr. Buchanan, Secretary of State, "que, en ejercicio de la facultad que por el articulo 31 del tratado de navegacion y comercio, celebrado en Santiago a 16 de Mayo 1832, se reservaron ámbos gobiernos, él de Chili desea terminar dicho tratado; lo que en conformidad del citado articulo tendrá efecto el dia 20 de Enero del año proximo futuro."⁷

On the 22d of the following February Mr. Buchanan replied, saying that he had "the honor to acknowledge the receipt of the note of Mr. Carvallo, * * * giving notice pursuant to the 31st Article of the Treaty of Navigation and Commerce, concluded at Santiago on the 16th of May, 1832, that his Government desires to terminate that Treaty, and that in conformity with the article referred to, the notice will take effect on the 20th of January next."⁸

¹ Appleton's Cyclopedia, Guatemala. ² Fish to Williamson, June 17, 1873. MS. Dept. of State. [NOTE.—The date of dissolution on page 108 is incorrect.] ³ S. E. Doc. 1, 1st Sess. 34th Cong., 42-120. ⁴ 49 British and Foreign State Papers, 7. ⁵ Ib., 13. ⁶ 50 Ib., 96. ⁷ MS. Records, Dept. of State. "That, in the excess of the privilege which, by article 31 of the treaty of navigation and commerce, concluded at Santiago on the 16th of May, 1832, both Governments reserved to themselves, that of Chili desires to terminate said treaty; which, in conformity with the article referred to, will take effect on the 20th day of January next." ⁸ Ib.

For the correspondence respecting the seizure of the Brig *Macedonian*, see Senate Executive Document No. 58, 35th Congress, 1st Sess. The award of the King of Belgium, under the Treaty referring this claim to his decision, was in favor of the United States. It was dated the 15th of May, 1863.

CHINA.

On the 3d of March, 1843, an act was approved placing forty thousand dollars "at the disposal of the President of the United States to enable him to establish the future commercial relations between the United States and the Chinese Empire on terms of national equal reciprocity,"¹ and on the 8th of the following May, Caleb Cushing was commissioned as Envoy Extraordinary Minister Plenipotentiary and Commissioner to China.

He says of his mission there: "I entered China with the formed *general* conviction that the United States ought not to concede to any foreign State under any circumstances jurisdiction over the life and liberty of a citizen of the United States, unless that foreign State be of our own family of nations—in a word, a Christian State. * * In China I found that Great Britain had stipulated for the absolute exemption of her subjects from the jurisdiction of the Empire. * * I deemed it, therefore, my duty to assert a similar exemption on behalf of citizens of the United States.² A Treaty on this basis was concluded on the 3d day of July, 1844, and was communicated to the Senate by the President on the 22d of January, 1845;³ and on the 28th of January the injunction of secrecy was removed from the correspondence submitted with the Treaty.⁴

On the exchange of the ratifications of this Treaty, it became necessary laws that should be enacted conferring judicial powers on Ministers and Consuls, in order that citizens of the United States in China might enjoy the protection and rights conferred by the Treaty. Congress proceeded in this matter with such good judgment, that all conflicting views were harmonized in Committee, and the act was passed without discussion, and was approved on the 11th of August, 1848.⁵

Under this act it was originally held that Vice-Consuls could not be empowered to exercise judicial functions;⁶ but this decision was reversed by Attorney-General Cushing.⁷

The act of 1848 empowered the Commissioner, with the advice of the several Consuls, to make regulations for carrying the provisions of the Treaty into effect.

¹ 5 St. at L., 624. ² Cushing to Calhoun, Sept. 29, 1844, cited in 7 Op. At.-Gen., 497-9. ³ S. E. Doc. 58, 2d Sess. 28th Cong. ⁴ S. E. Doc. 67, 2d Sess. 28th Cong. ⁵ 9 St. at L., 276. ⁶ Consular Instructions of 1855, § 275. ⁷ 7 Op. At.-Gen., 511.

In November, 1854, Robert McLane, as Commissioner, made several "regulations," which were duly transmitted to Congress by the President on the 15th of July, 1856.¹

On the 12th of December, 1856, regulations made by Peter Parker, a successor of McLane, were also transmitted to Congress.²

William B. Reed was appointed Commissioner on the 18th of April, 1857. His instructions, which were communicated to the Senate by the President on the 20th of April, 1858,³ directed him, by peaceful co-operation, to aid in the accomplishment of the objects which the allies were seeking "to accomplish by treaty stipulations."

On the 10th of December, 1857, the President transmitted to Congress further regulations made by Parker on the 4th of March, 1857, for such revision as Congress might deem expedient.⁴ The Senate Committee reported that these Regulations needed no revision,⁵ and the Senate passed a resolution to that effect.⁶

On the 20th of December, 1858, the President transmitted to the Senate the correspondence of Commissioners McLane and Parker, but withheld the instructions of the Department to them.⁷ This document contains 1424 pages, and exhibits in detail the questions which had arisen with China during the period it covers.

On the 27th of December, 1858, the President transmitted to Congress a decree, and a further regulation which had been made by Reed, who had been appointed Minister Plenipotentiary.⁸

The instructions of the Department of State to McLane and Parker, which were withheld from the public in 1858, were communicated to the Senate in 1860.⁹ With the instructions to Parker, the President also transmitted to Congress a mass of correspondence (624 printed pages) relating largely to the negotiations of the Treaty of Tien-tsin in 1858. In 1857, Mr. Marcy thought that "the British Government evidently had objects beyond those contemplated by the United States, and we ought not to be drawn along with it, however anxious it may be for our co-operation."¹⁰ He writes to Parker on the 27th of February, 1857: "The President does not believe that our relations with China warrant the 'last resort' you speak of. * * The 'last resort' means war."¹¹ But in the following May, Mr. Cass, the Secretary of State, directs Reed to co-operate peacefully with the allied Powers for the objects named in his despatch.¹²

It being proposed in Congress to change or modify the act of 1848, Mr. Cass addressed a communication on the subject to the Chairman of

¹ S. E. Docs. 32 and 92, 1st Sess. 34th Cong. ² S. E. Doc. 6, and H. E. Doc. 11, 3d Sess. 34th Cong. ³ S. E. Doc. 47, 1st Sess. 35th Cong. ⁴ H. E. Doc. 9, 1st Sess. 35th Cong. ⁵ Globe, 1st Sess. 35th Cong., 1203. ⁶ *Ib.*, 1555. ⁷ S. E. Doc. 22, 2d Sess. 35th Cong. ⁸ S. E. Doc. 11, and H. E. Doc. No. 21, 2d Sess. 35th Cong. ⁹ S. E. Doc. 30 and 39, 1st Sess. 36th Congress. ¹⁰ S. E. Doc. 30, 1st Sess. 36th Cong., 4. ¹¹ *Ib.*, 6. ¹² *Ib.*, 7.

the Senate Committee of Foreign Relations.¹ Congress passed the Act June 22, 1860.²

Mr. Burlingame, in June, 1863, being the representative of the United States in China, wrote to Mr. Seward: "In my despatch No. 18, of June 2, 1862, I had the honor to write, if the Treaty Powers could agree among themselves to the neutrality of China, and together secure order in the Treaty Ports, and give their moral support to that party in China, in favor of order, the interests of humanity would be subserved. Upon my arrival at Peking I at once elaborated my views, and found, upon comparing them with those held by the representatives of England and Russia, that they were in accord with theirs."³

On the 15th of June, 1864, Burlingame instructed the Consul-General at Shanghai respecting "the extent of the rights and duties of American citizens under the Treaty, and the regulations made in pursuance thereof;"⁴ and he added, "I have submitted the above letter to the British, French, and Russian Ministers, and they authorize me to inform you they entirely approve its views and policy."⁵ Burlingame described the policy he was prescribing as "an effort to substitute fair diplomatic action in China for force."⁶ When this important action was communicated to Mr. Seward, Secretary of State, he wrote, "It is approved with much commendation."⁷

On the 9th of November, 1864, Burlingame transmitted to the Department further rules and regulations for Consular Courts.⁸ Seward replied that the despatch would "be submitted to Congress."⁹

In 1866 Burlingame submitted for approval "land regulations" for the regulation and the government of the European Colony (the French excepted) at Shanghai.¹⁰ In 1868 the powers agreed upon rules for joint investigation, under the Treaty, in cases of confiscation and fine by the Custom-House authorities.¹¹

In the summer of 1868 a Legation from China arrived at Washington, with Burlingame (who had left the service of the United States) as its chief.¹² The Treaty of 1868 was then concluded between them and the United States.

There being some delay in the ratification of that Treaty on the part of China, Mr. Fish instructed Mr. Bancroft, the Minister of the United States at Berlin, thus: "You will undoubtedly meet Mr. Burlingame * in Berlin. * * Impress upon him the importance to China of an early ratification of the Treaties. * * While the President cordially gives his adhesion to the principles of the Treaty of 1868, * * yet he earnestly

¹ S. E. Doc. 43, 1st Sess. 36th Cong. ² 12 St. at L., 72. See also Acts of Sept. 20, 1850. 9 St. at L., 468, of March 3, 1859; 11 St. at L. 408, and of July 1, 1870; 16 St. at L., 183; ³ 2 D. C., 1863; 937 of one imprint and 859 of the other imprint. ⁴ 3 D. C., 1864, 426. ⁵ *Ib.*, 430. ⁶ *Ib.* ⁷ *Ib.*, 440. ⁸ 2 D. C., 1865, 413. ⁹ *Ib.*, 437. ¹⁰ 1 D. C., 1867, 429. ¹¹ S. E. Doc. 19, 3d Sess. 40th Cong. ¹² 1 D. C., 1868, 601.

hopes that the advisers of His Majesty the Emperor may soon see their way clear to counselling the granting of some concessions."¹

In 1870 Congress enacted that the superior judicial authority conferred by the Act of 1860 on Consuls-General or Consuls, should be vested in the Secretary of State, and that in certain cases appeals should lie from the judgment of Consular Courts to the District Court of the United States for the District of California.²

In an opinion dated September 19, 1855, Attorney-General Cushing reviews at length the effect of the Statute of 1848, and the extent of the judicial authority it confers upon Consuls.³ Attorney-General Black held that it was limited to the ports mentioned in the Treaty.⁴

The expenses of transporting prisoners held for trial from one port in China to another are a lawful charge upon the general appropriations for defraying the judicial expenses of the government in the absence of specific appropriations for the purpose.⁵

In November, 1858, Commissioner Reed, on behalf of the United States, accepted five hundred thousand taels (\$735,238.97) in full satisfaction of the claims of citizens of the United States against China. In the following March Congress passed an act providing for the custody of the money, and authorizing the President to appoint Commissioners to examine and audit the claims with a view to its distribution. The manner in which this was done is set forth in detail in the House Executive Document No. 29, 3d Sess. 40th Congress. After the payment of the awards in full the remainder of the money was remitted to the Department of State. It has been the subject of several reports from the Secretary of State, and of some discussions in Congress, but there has been no legislative action respecting it.⁶

The administration by Consuls of the Extraterritorial jurisdiction conferred by Treaty is considered in the Title "Consuls."

CLAIMS.

(See "*Chili*," "*Denmark*," "*France*," "*Great Britain*," "*Neutrals*," "*Spain*," "*Venezuela*.")

The decision of an international tribunal, within the scope of its authority, is conclusive and final, and is not re-examinable.⁷

It was decided by the Commission sitting in London under the Seventh Article of the Treaty of 1794 with Great Britain, that no claim for captured vessels should be allowed against Great Britain in which the claimants had failed to exhaust their remedies in the courts against the captors.⁸ The same point is understood to have been held by the recent

¹ F. R., 1870, 307. ² 16 St. at L., 183. ³ 7 Op. At.-Gen., 495. ⁴ 9 Op. At.-Gen., 294. See also 11 Op. At.-Gen., 474, Speed. ⁵ 6 Op. At.-Gen., 59, Cushing. ⁶ S. E. Doc. 58, 2d Sess. 41st Cong.; H. E. Doc. 69, 2d Sess. 41st Cong.; Globe, 2d Sess. 41st Cong., 2977; Globe, 2d Sess. 41st Cong., 4804. ⁷ *Comegys vs. Vasse*, 1 Peters, 212. ⁸ Gore and Pinckney to the Secretary of State, MS. Dept. of State.

mixed American-British Commission sitting in Washington, according to the provisions of the Treaty of 1871.¹

It was decided by President Washington that it is the duty of a neutral to use all the means in its power to protect and defend their vessels and effects in its ports and waters, or on the seas near its shores, and to recover and restore the same to the right owners when taken from them; and that the same rule ought to be extended to captures made on the high seas and brought into the neutral port if done by vessels which had been armed within them. It was further held that when the neutral forbears to so use all the means in its power for the restitution of such vessels, it is incumbent upon it to make compensation for them. The Commission in London, just referred to, decided that in proceedings before a mixed Commission to recover such compensation, it must be shown that proceedings had first been had in the courts of the country, and that there had been a miscarriage of justice.²

In the arbitrations under Jay's Treaty, it seemed to be supposed that a party had the right to withdraw from the Commission under directions from the political department of the Government. Great Britain claimed the same right in the notices to the Arbitrators in the late Arbitration at Geneva, which were given on the 15th of April, 1872. It may be questioned whether this is in accordance with the idea of an independent and impartial judicial Tribunal.

A mixed commission is competent to decide upon the extent of its jurisdiction.³

The proceedings of the Mixed Commission, held in London under the provisions of the Convention of 1853 with Great Britain, have been made public.⁴ In several cases they appear to have considered and passed upon the question of their own jurisdiction.⁵ In a few cases they were required to construe the Treaties between the two countries. In the case of the "John," captured by Great Britain after the time when, by the terms of the 2d Article of the Treaty of Ghent, hostilities should have ceased, and wrecked by the captor, it was held that the owners were entitled to compensation, as restitution could not be made.⁶ In the case of the "Washington," it was held that American fishermen were not excluded by the Convention of 1818 from fishing in the open waters of the Bay of Fundy.⁷

Venezuela has asserted the right to set aside *ex parte* the award of a mixed commission.⁸ This assertion, which strikes at the root of international arbitration, was resisted by Congress.⁹

It was decided by the Tribunal of Arbitration at Geneva that claims for advanced rates of insurance, transfer of commercial marine, and the

¹ See also 1 Op. At.-Gen., 25, Randolph. ² Case of the Elizabeth. ³ Lord Chancellor Loughborough. See "*Great Britain*," *post*. ⁴ S. E. Doc. 103, 1st Sess. 34th Congress. ⁵ *E. g.*, The Dawson, The Lord Nelson, 63. ⁶ *Ib.*, 427. ⁷ *Ib.*, 170. ⁸ H. R. R. 79, 2d Sess. 41st Cong.; H. E. Doc. 176, 2d Sess. 41st Cong. ⁹ 17 St. at L., 477.

prolongation of a war, do not constitute good foundation for an award of compensation or computation of damages between nations,¹ and that the general expenses of a war are not a good foundation for such an award.²

It was also decided by that Tribunal that prospective earnings cannot properly be made the subject of compensation; that claims for gross freights, so far as they exceed net freights, should be set aside; and that it is just and reasonable to allow interest on claims such as those submitted to that Tribunal.³

Under the Seventh Article of Jay's Treaty, provision was made for a reference of claims of individuals upon the respective governments to a Commission. Attorney-General Breckinridge held that, in case of an award to several persons who do not appear to be in partnership, the right to the amount is in all collectively, and not individually, and that the right to transfer must be in all; and that if the parties have neglected to have inserted in the award the amount of their respective interests, or if they disagree as to their several proportions, the embarrassments are attributable to themselves; the Government cannot undertake to decide among them.⁴

On the 27th of May, 1855, Attorney-General Cushing rendered an opinion upon the "unskillfulness of public officers," which must be read as a whole to appreciate its reasoning and its results. It demonstrates that claims against governments do not arise from such a cause.⁵

COLOMBIA.

At the opening of the first session of the Twelfth Congress, the House referred to a select committee the part of the President's message relating to the Spanish American Colonies.⁶ The Committee on the 10th of December reported a joint resolution that "the Senate and House of Representatives will unite with the Executive in establishing with them as Foreign and Independent States such amicable relations and commercial intercourse as may require their legislative authority."⁷ A letter from Monroe, then Secretary of State, transmitting a copy of the declaration of Independence of Venezuela, and saying that he had no information that any other of the Spanish provinces had entered into similar declarations, accompanied the resolution as reported by the Committee.⁸ The resolution was allowed to drop.

On the 5th of December, 1817, the House requested the President to lay before it "such information as he may possess and think proper to communicate relative to the independence and political condition of the

¹ 4 Pap. rel. Tr. W., 20. ² *Ib.*, 53. ³ *Ib.* ⁴ 1 Op. At.-Gen., 153. ⁵ 7 Op. At.-Gen., 229. ⁶ 1 Annals 1st Sess. 12th Cong., 335. ⁷ *Ib.*, 428 and 3, F. R. F. 538. ⁸ *Ib.*, 539.

Provinces of Spanish America."¹ This appears to have been called out by the message of President Monroe on the 2d of December, in which he stated that persons claiming to act under the authority of some of the colonies, had taken possession of Amelia Island, off the coast of Florida, and had made of the island a channel for the illicit introduction of slaves from Africa into the United States, an asylum for fugitive slaves from the neighboring States, and a port for smuggling of every kind.²

Before the President replied to the resolution, the forces of the United States had occupied Amelia Island. Upon this, "Vincente Pazos, representing himself as the deputed agent of the authorities acting in the name of the Republics of Venezuela, New Granada, and Mexico," presented to the House of Representatives through the Speaker, on the 11th of March, 1818, a memorial complaining of that occupation.³ An animated discussion immediately ensued. Forsyth said: "The question then for the House to consider was whether, when the Constitution has placed the conduct of our Foreign Relations with the Executive, a foreign agent shall be permitted to appeal from the Executive to this House."⁴ The House by a vote of 127 to 28 refused to receive the memorial.⁵

The report of the Secretary of State, in reply to the resolution of the 5th of December, was transmitted to the House on the 25th of March, 1818. In the interval that had elapsed, a wide discussion on Spanish-American affairs had taken place in the debates upon the Neutrality Laws, and other germane subjects.⁶ From this report it appeared that the United Provinces of La Plata had applied to be recognized as independent States.

Extraordinary pains were taken to secure accurate information respecting the widely extended conflict going on between Spain and her colonies. A commission, consisting of Cæsar A. Rodney, John Graham, and Theodoric Bland, was sent to Buenos Ayres and Monte Video, with instructions to make full reports. They did so: and the political, social, commercial, and industrial information which was furnished respecting these countries, remains in the public documents of the United States to attest the writers' fidelity, intelligence, and power of giving literary attraction to official reports.⁷ A special report on the subject was also obtained from Poinsett,⁸ and the whole was transmitted to Congress by the President. The general result of these reports may be summed up thus: To the East of the Andes and South of Brazil, the Government of the United Provinces of the Rio Plata (or of South America) claimed a federal jurisdiction over the whole territory, which was denied and successfully resisted by Paraguay and by the Banda Oriental, and a state of war existed between the United Provinces and the latter

¹ 1 Annals 1st Sess. 15th Cong., 406-8. ² *Ib.*, 14. ³ Annals 1st Sess. 15th Cong., 1251. ⁴ *Ib.*, 1262. ⁵ *Ib.*, 1268. ⁶ 4 F. R. F., 173. ⁷ 4 F. R. F., 217-323. ⁸ *Ib.*, 323.

State. To the West of the Andes ; Chili was in the possession of a dictator, with no representative Government.

In the first Session of the 15th Congress two unsuccessful efforts were made in the House to secure an appropriation for a Minister to the United Provinces. The last vote, taken on the 30th of March, 1818, was 45 yeas to 115 nays.¹

In the next Session of Congress the House inquired of the President "whether any application had been made by any of the independent governments in South America to have a Minister or Consul-General accredited by the Government of the United States."² The President replied that Don Lino de Clemente had applied to be received as the Representative of the Republic of Venezuela, and that David C. De Forest, a citizen of the United States, had applied to be accredited as Consul-General of the United Provinces of South America ; and he enclosed the correspondence.³

In his message to Congress at the opening of the first session of the next (the 16th) Congress, President Monroe said : "In the civil war existing between Spain and the Spanish Provinces in this Hemisphere, the greatest care has been taken to enforce the laws intended to preserve an impartial neutrality. * * The progress of the war, however, has operated * in favor of the colonies. Buenos Ayres still maintains unshaken the independence which it declared in 1816, and has enjoyed since 1810. Like success has also lately attended Chili, and the provinces north of the La Plata, bordering on it, and like wise Venezuela. * * Should it become manifest to the world that the efforts of Spain to subdue these provinces will be fruitless, it may be presumed that the Spanish Government itself will give up the contest. In producing such a determination, it cannot be doubted that the opinion of friendly Powers, who have taken no part in this controversy, will have their merited influence."⁴

Mr. Clay moved on the 4th of April, in this session, that it was expedient to provide by "law a suitable outfit and salary for such Minister or Ministers as the President, by and with the advice and consent of the Senate, may send to any of the Governments of South America which have established and are maintaining their independence against Spain."⁵ The motion was carried on the 10th of May, after debate, by a majority of five ;⁶ but nothing further was done.⁷

In the second session of the 16th Congress Mr. Clay resumed his efforts to secure a political recognition of the revolted States. He moved an appropriation for a mission,⁸ but it was defeated.⁹ He then moved that the House "participates with the people of the United

¹ 2 Annals 1st Sess. 15th Congress, 1655. ² 1 Annals 2d Sess. 15th Cong., 544. ³ 4 F. R. F., 412, 418. See also 2 Annals 2d Sess. 15th Cong., 911. For the diplomatic correspondence with Spain respecting this and other questions through this series of years, see 4 F. R. F., 422-626. ⁴ 4 F. R. F., 628. ⁵ 2 Annals 1st Sess. 16th Cong., 1781. ⁶ *Ib.*, 2229. ⁷ *Ib.*, note 2230. ⁸ Annals 2d Sess. 16th Cong., 1071. ⁹ *Ib.*, 1077.

States in the deep interest which they feel for the success of the Spanish provinces of South America, which are struggling to establish their liberty and independence; and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independency of any of the said provinces."¹ After a debate the motion was carried.²

At the opening of the next session of Congress the President said, in his message: "It is understood that the colonies in South America have had great success during the present year in the struggle for their independence. * * It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so, that no conditions short of their independence would be satisfactory to them. It may, therefore, be presumed, and it is earnestly hoped, that the Government of Spain, guided by enlightened and liberal counsels, will find it to comport with its interests, and due to its magnanimity, to terminate this exhausting controversy on that basis. To promote this result, by friendly counsel with the Government of Spain, will be the object of the Government of the United States."³

On the 30th of January, 1822, the House requested the President to lay before it communications from the agents of the United States in the revolted States, or from the Agents of those States in the United States which might tend to show the political condition of those Governments, and the state of the war between them and Spain.⁴ The President complied with the request in a message on the 8th of March, 1822,⁵ which message was also communicated to the Senate on the same day.⁶

In this message the President says: "This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810. * * The provinces composing the republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December, 1819. * * Chili declared independence in 1818, and has since enjoyed it undisturbed, and of late, by the assistance of Chili and Buenos Ayres, the revolution has extended to Peru. Of the movement in Mexico, our information is less authentic, but it is, nevertheless, distinctly understood that the new Government has declared its independence, and that there is now no opposition to it there, nor a force to make it. * * Thus it is manifest that all those provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances,

¹ *Ib.*, 1081. ² *Ib.*, 1091-1092. ³ 4 F. R. F., 739. ⁴ 1 *Annals* 1st Sess. 17th Cong., 825-828. ⁵ *Ib.*, 1238. ⁶ *Ib.*, 284. See also 4 F. R. F., 818.

that there is not the most remote prospect of their being deprived of it. * * Of the views of the Spanish Government on this subject, no particular information has been recently received. * * Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition. * * In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties, but to observe, in all respects, as heretofore, should the war be continued, the most perfect neutrality between them.¹

On the 4th of May, 1822, Congress passed "An Act making an appropriation to defray the expenses of missions to the Independent Nations on the American Continent." One hundred thousand dollars was the sum appropriated.²

In the message at the opening of the following session of Congress,³ President Monroe said: "With the existing colonies or dependencies of any European Power, we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States."⁴

The general Treaty of Peace, Amity, and Commerce, concluded on the 3d day of October, 1824, between the United States and the Republic of Colombia, (which then consisted of what was afterwards known as New Granada, of Venezuela, and of Ecuador,) was the first of a long series of Treaties with the new Powers.⁵

In the same year a Convention for the Suppression of the African Slave-Trade was negotiated with the Republic of Colombia, but was rejected by the Senate.⁶

"The Congress of Panama, in 1826, was planned by Bolivar to secure the Union of Spanish America against Spain. It had originally military as well as political purposes. In the military objects the United States could take no part; and indeed the necessity for such objects ceased when the full effects of Mr. Monroe's declarations were felt. But the pacific objects of the Congress, the establishment of close and cordial relations of amity, the creation of commercial intercourse, of interchange of political thought, and of habits of good understanding between the new republics and the United States and their respective citizens, might perhaps have been attained, had the administration of that day received the united support of the country. Unhappily they were lost; the new states were removed from the sympathetic and pro-

¹ 4 F. R. F., 819. ² 3 St. at L., 678. ³ December 1823. ⁴ 1 Annals 1st Sess. 18th Cong., 22-23. ⁵ 5 F. R. F., 696-729. ⁶ *Ib.*, 729-735.

tecting influence of our example, and their commerce, which we might then have secured, passed into other hands, unfriendly to the United States.

"In looking back upon the Panama Congress from this length of time, it is easy to understand why the earnest and patriotic men who endeavored to crystalize an American system for this continent failed.

* * One of the questions proposed for discussion in the conference was 'The consideration of the means to be adopted for the entire abolition of the African slave trade,' to which proposition the committee of the United States Senate of that day replied: 'The United States have not certainly the right, and ought never to feel the inclination, to dictate to others who may differ with them upon this subject; nor do the committee see the expediency of insulting other States with whom we are maintaining relations of perfect amity, by ascending the moral chair, and proclaiming from thence mere abstract principles, of the rectitude of which each nation enjoys the perfect right of deciding for itself.' The same committee also alluded to the possibility that the condition of the islands of Cuba and Porto Rico, still the possessions of Spain, and still slaveholding, might be made the subject of discussion and of contemplated action by the Panama Congress. 'If ever the United States (they said) permit themselves to be associated with these nations in any general congress assembled for the discussion of common plans in any way affecting European interests, they will, by such act, not only deprive themselves of the ability they now possess of rendering useful assistance to the other American States, but also produce other effects prejudicial to their interests.'¹

The printed correspondence respecting this mission will be found in the 5th volume of the Foreign Relations, folio edition, pages 834-905. It was the subject of animated discussions in Congress, which will be found in the second part of the second volume of the Register of Congressional Debates for the year 1826.

In the year 1831 the Republic of Colombia separated into the three independent republics of Ecuador, New Granada, and Venezuela; and New Granada in 1862 took upon itself the name of the "United States of Colombia."

It was while the territory bore the name of New Granada that the Treaty of Amity, Commerce, and Navigation, of December 12, 1846, was concluded.

In 1866 some correspondence took place respecting the construction of the guarantee of the United States in the Treaty of 1846. No result was reached.²

On the 23d of April, 1867, the Minister of Colombia at Washington proposed to the Secretary of State to make certain changes in the existing Treaty. At the time these proposals were made, nineteen years

¹ S. E. Doc. 112, 2d Sess. 41st Cong., 7.8. ² D. C., 1866, part 3, 454, et seq.

had not expired from the date of the exchange of the ratifications of the Treaty; and a question arose whether, under the thirty-fifth article of the Treaty, they operated to terminate it. Mr. Perez, the Colombian Minister at Washington, wrote Mr. Fish, April 15, 1871: "Such documents cannot * be considered as a notification of the cessation of the Treaty, and, in fact, they have hitherto not been so considered. In both countries the Treaty has been and still is considered as being in force."¹ Mr. Fish replied: "Although literally and technically, pursuant to the clause of the 35th Article of that instrument upon the subject, this Government might hold that the application made by General Salgar for a revision of the Treaty in anticipation of a lapse of the time fixed for its termination, might be held to have brought about that result, the intentions of the parties at the time may, as you observe, be allowed to govern the question. General Salgar, in his notice, did not say that if his proposition should not be accepted the Colombian Government would regard the Treaty as at an end, and Mr. Seward does not appear to have received that proposition as a formal notice of termination. His silence upon the subject may fairly be construed as indicative of an opinion on his part that, so far as the interests of the United States were concerned, no change in the Treaty was required, and the form of the application of Colombia may also be construed to imply that, although she might prefer the changes proposed in that application, she did not regard them as indispensable to its continuance. Under these circumstances it may be said to comport with the interests of both parties to look upon the Treaty as still in full force, but as subject to revision or termination in the form and upon the terms stipulated."²

It was held by Attorney-General Bates, August 18, 1864, that the 35th Article of the Treaty of June 12, 1848, (meaning, doubtless, of December 12, 1846, the day of the conclusion of the Treaty, which was proclaimed June 12, 1848,) binds the United States absolutely to guarantee the neutrality of the Isthmus of Panama on the demand of the proper party,³ but this does not oblige the United States to defend the Isthmus against a body of insurgents from Colombia.⁴ The Convention of February 10, 1864, conferred upon the Commissioners jurisdiction to determine whether any and what claims had been presented to but not decided by the Commission under the Treaty with New Granada of September 10, 1867.⁵

COMMERCE.

A provision that no other or higher duties are to be paid on goods imported in vessels of one party than are imposed upon those imported in vessels of the other, does not extend to tonnage dues.⁶ See "*Portugal*."

¹ F. R., 1871, 246. ² *Ib.*, 247-8. ³ 11 Op. At.-Gen., 67, Bates. ⁴ *Ib.*, 391, Speed. ⁵ *Ib.*, 402, Speed. ⁶ 1 Op. At.-Gen., 155, Breckinridge.

CONSULS.

A consul is not a diplomatic officer; is entitled to no diplomatic privilege;¹ and is not exempt from criminal prosecution for offenses against the laws of the country in which he resides.²

The second section of the third article of the Constitution provides that the judicial power of the United States shall extend to all cases affecting ambassadors, other public ministers, and consuls. This privilege is not a personal one, and is not waived by an omission to plead it in the court below.³

Consuls represent the individual subjects or citizens of their respective nations when there is no other representation, and, when duly recognized, are competent parties to assert or defend the rights of property of their fellow-citizens or subjects in a court of admiralty without special procuration;⁴ but they cannot receive actual restitution of the property in controversy without a special authority.⁵

Various treaties have conferred upon foreign Consuls in the United States the power of determining disputes between masters and crews of the vessels of their nationality, and with the aid of the local authorities of arresting and returning deserters from such vessels. Without and independently of a treaty, a Consul has no such judicial power.⁶ The act of apprehending and delivering the seamen under the Treaties and the acts of Congress to enforce them, are judicial and not executive acts.⁷

The act to enforce Treaty provisions respecting disputes between masters and crews was approved June 11, 1864.⁸ It is not to take effect as to the ships or vessels of any nation, unless the President shall have been satisfied that similar provisions have been made by the other contracting party for the execution of the Treaty, and shall have issued his proclamation to that effect. On the 10th of February, 1870, proclamation was made under this act as to the Treaties with France, Prussia, and the other States of the North German Union and Italy;⁹ and on the 11th of May, 1872, as to the Treaty with Sweden and Norway.¹⁰

This Statute authorizes any court of record of the United States, or any judge thereof, or any commissioner appointed under the laws of the United States to take bail or affidavits, or for other judicial purposes whatsoever, to receive the application of the consular officer, to issue process against the person complained of, and if it shall appear, on his being returned before the magistrate, that he is not a citizen of the United States, and if a *prima-facie* case shall be made out that the matter concerns only the internal order and discipline of the foreign vessel, and does not affect directly the laws of the United States or the

¹ 1 Op. At.-Gen., 41, Bradford, 77; *Ib.* 406 Wirt, and 2 *Ib.*; 378 Berrien; 725 Butler; ² 2 Dallas, 299, Note. ³ *Davis vs. Packard*, 7 Peters, 276. ⁴ *The Bello Coruñes*, 6 Wheaton, 152. ⁵ *Ib.* ⁶ 2 Op. At.-Gen., 378, Berrien; 6 *Ib.*, 148, Cushing. ⁷ 9 Op. At.-Gen., 96, Black. ⁸ 13 St. at L., 121. ⁹ 16 St. at L., 1130. ¹⁰ 17 St. at L., 955.

rights and duties of any citizen, then the magistrate shall commit the seaman to prison to abide the lawful order or control of the master: provided the expenses of the proceeding shall be paid by the Consular officer, and the seaman shall not be detained for more than two months after his arrest.

The Statute respecting the restoration of deserters was approved March 2, 1829, and was entitled "An act to provide for the apprehension and delivery of deserters from certain foreign vessels in the ports of the United States."¹ It provides "that on application of a consul or vice-consul of any foreign government, having a Treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government while in any port of the United States; and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged at the time of desertion to the crew of said vessel, it shall be the duty of any court, judge, justice, or other magistrate having competent power, to issue warrants to cause the said person to be arrested for examination; and if, on examination, the facts stated are found to be true, the person arrested not being a citizen of the United States, shall be delivered up to the said consul or vice-consul to be sent back," &c.

Another series of Treaties grants to the consuls of the United States in the territories of certain Oriental powers, exclusive jurisdiction over disputes between citizens of the United States, or over offences committed by citizens of the United States, or both.

The first statute to affirm and regulate this jurisdiction was approved on the 11th of August, 1848.² Attorney-General Cushing gave an exhaustive opinion on this Statute.³ In 1860, a new Statute was passed⁴ which was amended in 1870.⁵ Under these various Statutes, the following is the present condition of the law and practice in this respect:

The Consuls and Commercial Agents of the United States at islands or in countries not inhabited by any civilized people, or recognized by any Treaty of the United States, are invested with power to hear and determine cases in regard to civil rights where the debt or damage does not exceed \$1,000 exclusive of costs; and also to issue warrants to arrest offenders, to arraign, try, and convict them, and to punish them to the extent of \$100 fine, or to imprisonment not to exceed sixty days.

The provisions of the Statute of 1860 apply directly to the consulates in China, Japan, and Siam. They apply in terms to Turkey, (see section 21 of the act of 1860,) so far as they relate to crimes and offenses; and as to civil cases, so far as the laws of Turkey permit.

The authenticity of the English version of the Treaty of 1830 with Turkey, under which extraterritorial rights had been claimed and allowed,

¹ 4 St. at L., 359. ² 9 St. at L., 276. ³ 7 Op. At.-Gen., 495. ⁴ 12 St. at L., 72. See also *Ib.*, 565. ⁵ 16 St. at L., 183.

has been recently questioned. The present attitude of the question is set forth in the note entitled "Ottoman Porte."

The operation of the statute of 1860 is extended¹ to Persia, to Tripoli, Tunis, Morocco, and Muscat;² to Egypt,³ and to Madagascar, and all other countries with which Treaties may hereafter be made.⁴

The jurisdiction is to be exercised in conformity with—1st, the laws of the United States; 2d, with the common law, including equity and admiralty; and, 3d, with decrees and regulations, having the force of law, made by the Ministers of the United States in such country respectively, to supply defects and deficiencies in the laws of the United States, or the common law as above defined.

This power of the Ministers to make such laws and regulations is limited, by instructions from of the Department of State, to acts necessary to organize and give efficiency to the courts created by the act.

Mr. Fish, on the 26th of February, 1873, instructed the Minister at Japan, on this subject thus: "The authority of a Minister, in an oriental country, to make regulations having the force of law within the country to which he is accredited, is derived from the act of 1860, entitled 'An act to carry into effect provisions of the Treaties between the United States, China, Japan, Siam, Persia, and other countries, *giving certain judicial powers* to ministers and consuls, or other functionaries of the United States in those countries, and for other purposes.'

"The first twenty-eight sections (except the 21st) relate to the treaties referred to in the title. The remainder of the act refers to the 'other purposes.' Sections one, four, and five therefore relate exclusively to the subject of carrying into effect treaty provisions *conferring judicial powers* on Ministers.

"The first section provides that 'to carry into full effect the provisions of the Treaties, &c., * * the Ministers and the Consuls of the United States duly appointed to reside in each of the said countries shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such Treaty, respectively, *be invested with the judicial authority herein described.*'

"The fourth section defines how those powers are to be exercised: namely, in conformity with the laws of the United States, 'but in all cases where such laws are not adapted to the object,' (*i. e.*, the exercise of such judicial powers,) 'or are deficient in the provisions *necessary to furnish suitable remedies*, the common law, including equity and admiralty, shall be extended in like manner over such citizens and others in the said countries; and if defects still remain to be supplied, and neither the common law, including equity and admiralty, nor the Statutes of the United States, *furnish appropriate and suitable remedies*, the Ministers in the said countries, respectively, shall by decrees and regulations, which shall have the force of law, supply such defect and deficiencies.

¹ Section 28. ² Section 29. ³ 14 St. at L., 322. ⁴ 16 St. at L., 183.

"The fifth section provides that '*in order to organize and to carry into effect the system of jurisprudence* demanded by such treaties, respectively, the said Ministers, with the advice of the several Consuls in each of the said countries respectively, or so many of them as can be conveniently assembled, shall prescribe the forms of all processes which shall be issued by any of said Consuls, and * * * make all such decrees and regulations from time to time as the exigencies may demand; and all *such* regulations, decrees, and orders shall be plainly drawn up in writing, and submitted as above provided for the advice of the Consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, who shall each signify his assent or dissent in writing, with his name subscribed thereto; and, after taking such advice and considering the same, the Minister in the said countries, respectively, may, nevertheless, by causing the decree, order, or regulation to be published, with his signature thereto, and the opinions of his advisors inscribed thereon, make it to become binding and obligatory until annulled or modified by Congress.' * * *

"It is the opinion of the Department that this statute confers upon the Minister in Japan no authority to make a regulation requiring citizens of the United States to register their names, and no power to enforce such a regulation judicially.

"The authority conferred by the act is defined in the first section to be a *judicial* authority. By the fourth section the Minister is required to execute that power in *conformity with the laws of the United States*, with authority to vary from those laws in two cases only; 1. Where those laws are not adapted to the exercise of the judicial authority conferred by section one; 2. Where they are deficient in the provisions to furnish suitable remedies. In each of these contingencies the Minister has authority to make regulations in order '*to furnish suitable and appropriate remedies*,' and for no other purpose whatever.

The fifth section is still more explicit on this point. Every power named in this section is recited to be conferred upon the minister, '*in order to organize and carry into effect a system of jurisprudence*.'¹

The power of originating civil and criminal proceedings is vested by the statute in Consular officers exclusively.

They can also, sitting alone, determine all criminal cases where the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed ninety days; and may impose fines to the extent of fifty dollars, or imprisonment, not exceeding twenty-four hours, for contempt committed in the presence of the court, or for failure to obey a summons.

They may also, when of opinion that legal questions may arise in which assistance may be useful, or that a severer punishment is required, summon associates, not more than four in number, taken by lot from a

¹ MS. Department of State.

list to be previously approved by the Minister, to sit with them on the trial, each of whom is to enter upon the record his judgment and opinion, and to sign the same; but the Consul himself gives the judgment in the case, whether it accords with that of his associates or not.

In trials for capital offenses there must be four associates, who must all agree with the Consul, in order to convict, and the opinion must be approved by the Minister before there can be a conviction.

They have exclusive jurisdiction in civil proceedings where the damage demanded does not exceed five hundred dollars.

When the amount demanded exceeds five hundred dollars, or when the Consul thinks the case involves legal perplexities, and that assistance will be useful, he may summon to his aid not less than two nor more than three associates, to be selected from a list of persons nominated by the Consul, for the purposes of the act, to the Minister, and approved by him. They shall hear the case with him. The Consul, however, is to give the judgment. If they agree with him, the judgment is final. If they, or any of them, disagree, the opinions of all are to be noted on the record and subscribed by them, and the judgment of the Consul is then subject to appeal.

Such a Consular court cannot, in a suit by a person not a citizen of the United States, entertain a set-off further than to the extent of the claim asserted by the plaintiff, and cannot render a judgment against a person of foreign birth not a citizen of the United States.¹

An appeal may be taken in criminal cases from a decision of a Consul acting alone, where the fine exceeds one hundred dollars, or the time of imprisonment for a misdemeanor exceeds ninety days.

If associates sit with the Consul in criminal proceedings, (except capital,) an appeal can be taken to the Minister only in case of disagreement between him and one of his associates.

In civil proceedings, in cases arising before the 1st day of July, 1870, an appeal can only be taken to the Minister from cases in which associates sit with the Consul, and in which there is not an agreement of opinion.

In cases arising after the 1st day of July, 1870, an appeal may be taken to the Minister from final judgment in the Consular courts of China and Japan, where the matter in dispute exceeds five hundred dollars, but does not exceed two thousand five hundred dollars, exclusive of costs; and where the matter exceeds two thousand five hundred dollars, exclusive of costs, the appeal may be taken to the Circuit Court for the district of California.

There are also regulations for appeals from the judgments of Ministers to the Circuit Court of California.

In Tunis, Morocco, and Tripoli, citizens of the United States committing murder or homicide upon a subject of those powers are to be tried by a mixed court, at which the Consul is to "assist."

¹ 11 Op. At.-Gen., 474, Speed.

The undisputed portion of the fourth article of the Treaty of 1830 with the Ottoman Porte provides for the supervision of the American Dragoman in the hearing of all litigations and disputes arising between the subjects of the Sublime Porte and citizens of the United States.

It is not in dispute that the usages observed towards other Franks are to be observed toward citizens of the United States. These usages are believed to be the following:

1. Turkish tribunals for questions between subjects of the Porte and foreign Christians.
2. Consular Courts for the business of each nation of foreign Christians.
3. Trial of questions between foreign Christians of different nations in the Consular Court of the defendant's nation.
4. Mixed tribunals of Turkish magistrates and foreign Christians at length substituted in part for cases between Turks and foreign Christians.
5. Finally, for causes between foreign Christians, the substitution at length of mixed tribunals in place of the separate courts; this arrangement introduced at first by the Legations of Austria, Great Britain, France, and Russia, and then tacitly acceded to by the Legations of other foreign Christians.

A provision in a Treaty that a Consul may *ex officio* administer upon the estates of citizens of his nationality dying within his jurisdiction without legal heirs there, gives no right of reclamation against the United States for the value of the property of such a decedent improperly administered on by a State Court, unless the Consul first exhausts his remedies at law to prevent such State administration.¹

DENMARK.

Quasi relations were opened with Denmark during the War of the Revolution by Dr. Franklin, who, on the 22d of December, 1779, in a letter to M. Bernstorff, Minister for Foreign Affairs at Copenhagen, remonstrated against the seizure of American prizes within the territorial jurisdiction of the King of Denmark.² This question lingered into the middle of the present century.

On the 27th of February, 1783, the Danish Minister for Foreign Affairs wrote a letter to Mr. de Walterstorf, one of his countrymen, in which he said: "As I know you are on the point of making a tour to France, I cannot omit recommending to you to endeavor, during your stay at Paris, to gain as much as possible the confidence and esteem of Mr. Franklin. * * You have witnessed the satisfaction with which we

¹ 9 Op. At.-Gen., 383, Black. ² 8 Franklin's Works, 407. See also *Ibid*, 425, 433, and 462; and see W. B. Lawrence, note 15, in his edition of Wheaton, for a history of this case.

have learned the glorious issue of this war for the United States of America, and how fully we are persuaded that it will be for the general interests of the two States to form, as soon as possible, reciprocal connections of friendship and commerce. Nothing certainly would be more agreeable to us than to learn by your letters that you find the same dispositions in Mr. Franklin."¹

De Walterstorf went to Paris, and made the acquaintance of Franklin, and assured him that the King had a strong desire to have a Treaty of Friendship and Commerce with the United States. Franklin informed Robert Livingston of the advances, and suggested that Congress should send the necessary powers for entering into the negotiations;² but nothing came of it. Franklin would not go on without a special power,³ and no special power came.

It was not until 1826 that a Commercial Convention was concluded at Washington with Denmark. This was transmitted to Congress with President Adams's message at the beginning of the second session of the 19th Congress.⁴

At that time claims were also pending against Denmark, for spoliations during the wars of Napoleon.

"The allegations on which the seizure and condemnation of American vessels and their cargoes were made and attempted to be justified were principally three. 1. The possession of false and simulated papers, by which, it was alleged, an American character was stamped on British property. 2. Sailing under British convoy, whereby, it was alleged, our vessels lost the immunities of our flag, and subjected themselves to be treated as British property; and, 3. The possession of French consular certificates of origin after the French consuls were forbidden to give them, except to vessels sailing direct to French ports."⁵

The reclamations were first made on the 23d of June, 1811, by Ewing, U. S. Minister at Copenhagen, in a note to de Rosenkrantz, Danish Minister for foreign affairs. "The total amount of captures in 1809 and 1810 was 160, of which cases 42 (including 16 of vessels which had broken the embargo or non-intercourse, or were otherwise not genuine American cases) were condemnations, and 24 were pending, including 10 convoy cases. In 1811, previous to the date of Ewing's letter, two vessels were taken and condemned in Norway, and two others were then under trial there; making in all 28 cases as the subject of Ewing's communication to the Danish Minister of State.⁶ Subsequent representations were made from time to time without reaching a result. Danish courts continued to exercise the objectionable jurisdiction, and to make condemnation. To the complaints of the United States against the long delay in answering, response was made that

¹ 9 Franklin's Works, 487-488. ² *Ib.*, 512. ³ *Ib.*, 537. ⁴ 6 F. R. F., 266. ⁵ Clay to Wheaton, May 31, 1827, H. Doc. 49, 1st Sess. 22d Cong. ⁶ MS. Dept. of State.

certain Danish claims on the United States had remained unsettled since 1799.¹ The extreme poverty of the Danish government² was also put forward. At length, on the 20th of June, 1818, the Danish Minister of State replied that the King of Denmark could not admit that causes definitively terminated by competent tribunals can be made a subject of litigation.³ The negotiations, which were carried on successively by Ewing, by Forbes, by Campbell, and by Hughes, without result, were taken up by Wheaton in 1828, under instructions from Clay, Secretary of State, and were brought to a successful issue in March 1830.⁴

The Danish objection to the claims was thus stated in a note of August 17, 1825, to Hughes: "The sentences by which vessels bearing the flag of the United States have been released or condemned by the prize tribunals, or high court of admiralty, are without appeal, and cannot, without derogating from that which has been established from the remotest times in the Danish Monarchy, be altered or annulled."⁵ In a paper of marked ability Wheaton controverted this. He said: "The institution of these tribunals, so far from exempting or being intended to exempt the sovereign of the belligerent nation from responsibility, is designed to fix and ascertain that responsibility. Those cruisers are responsible only to the sovereign whose commission they bear. So long as seizures are regularly made upon apparent grounds of just suspicion, and followed by prompt adjudication in the usual mode, and until the acts of the captors are confirmed by the sovereign in the sentences of the tribunal appointed by him to adjudicate in matters of prize, the neutral has no ground of complaint, and what he suffers is the inevitable consequence of the belligerent right of capture. But the moment the decision of the tribunal of last resort has been pronounced against the claimant, (supposing it not to be warranted by the facts of the case and the law of nations as applied to those facts,) and justice has thus been finally denied, the capture and the condemnation become the acts of the State, for which the sovereign is responsible to the government of the claimant. * No greater sanctity can be imputed to the proceedings of prize tribunals, even by the most extravagant theory of the conclusiveness of their sentences, than is justly attributed to the acts of the sovereign himself. But those acts, however binding on his own subjects, if they are not conformable to the public law of the world, cannot be considered as binding on the subjects of other States. A wrong done to them forms an equally just subject of complaint on the part of their government, whether it proceed from the direct agency of the sovereign himself, or is inflicted by the instrumentality of his tribunals."⁶

The claimants sent an agent to Copenhagen, with power to agree

¹ Forbes to Secretary of State, 20 Dec., 1817. MS. Dept. of State. ² Ibid. ³ MS. Dept. of State. ⁴ See Wheaton's paper, H. Doc. 249, 1st Sess. 22d Cong., 22 *et. seq.*, for a brief sketch of the negotiations prior to his mission. ⁵ *Ib.*, 24. ⁶ *Ib.*, 26.

upon a compromise sum in gross. The King of Denmark offered to pay half a million marcs-banco of Hamburg.¹ Wheaton said that the United States would consent to accept three millions of marcs-banco.² The parties agreed at length upon six hundred and fifty thousand Spanish milled dollars. In informing Mr. Van Buren of the signature of the Treaty, Wheaton said: "I have not before me sufficient material from which to form a judgment as to the real amount of the losses unjustly sustained by our citizens from Danish captures. You will find that Mr. Ewing, in his correspondence, estimates the actual loss at about \$1,750,000, reckoning about thirty-five condemnations 'quite unjust,' to use his own expression. But supposing the real injury to have been considerably greater, the sum now recovered, considering the diminished resources of this exhausted country, will, I trust, be considered as a tolerable salvage from this calamitous concern."³

The Convention of 1867 with Denmark for the discontinuance of the Sound Dues was communicated to Congress by President Buchanan on the 14th of January, 1858.⁴

On the 24th of October, 1867, a Treaty was signed at Copenhagen for the cession of the island of St. Thomas to the United States. It was not assented to by the Senate. Correspondence relating to it was communicated to the Senate on the 19th of January, the 20th of January, and 17th of February, 1869.

DOMINICAN REPUBLIC.

The relations between the Dominican Republic and the United States, and between the Dominican Republic and Hayti, were the subject of a report from the Secretary of State to the Senate on the 16th of January, 1871.⁵ A Convention for the annexation of St. Domingo to the United States was then pending, and is among the papers enclosed in the report of the Secretary. The Convention was not approved by the Senate.⁶

ECUADOR.

The Treaty of 1839 was transmitted to Congress with the President's Message at the beginning of the 3d Session of the 27th Congress.⁷

¹ Ib., 19. ² Ib., 20. ³ Wheaton to Van Buren, March 29, 1830, MS. Dept. of State ⁴ S. E. Doc. 28, 1st Sess. 35th Cong. See Lawrence's note 110, pages 333 to 338, Lawrence's Wheaton, for a sketch of previous negotiations on this subject. ⁵ S. E. Doc. 17, 3d Sess. 41st Cong. ⁶ See also Globe, 1st Sess. 42d Cong., 86-88; 233-235; 253; 294-307; 314-16; 327-329; 469-474; 523-534; 598; 814-817. ⁷ S. E. Doc. 11, 3d Sess. 27th Cong.

EXTRITORIALITY.

The rights of extritoriality enjoyed by citizens of the United States in certain Oriental countries are considered under the Title "Consuls;" the Consular officers being the persons entrusted with the enforcement of those rights.

The Tribunal of Arbitration at Geneva held that "the privilege of extritoriality, accorded to vessels of war, had been admitted into the law of nations, not as an absolute right, but solely as a proceeding founded on the principle of courtesy and mutual deference between different nations."¹ This is in accordance with the settled practice of the United States. Attorney-General Lee, in the early days of the Republic, gave his opinion that it is lawful to serve either civil or criminal process upon a person on board a British man-of-war lying within our territory.²

EXTRADITION.

The Statutes conferring upon the courts the power to enforce the various Extradition Treaties are, the Act of August 12, 1848,³ and the act of June 22, 1860.⁴

The crime for which the extradition of the accused is demanded must be a crime committed within the territorial jurisdiction of the Power which makes the demand.⁵

In the absence of a Treaty there is no law which authorizes the President to deliver up any one found in the United States who is charged with having committed a crime against a foreign nation.⁶

Under the Treaty with Great Britain it is necessary to prove such facts as would justify the apprehension of the criminal and his commitment for trial at the place where the arrest is made.⁷ The mode of procedure in such case examined.⁸

The same rule exists in regard to France.⁹

Any foreign government entitled by Treaty to the extradition of a fugitive from justice, may apply to the courts in the first instance; but, if requested, the President will issue a previous authorization.¹⁰ In Kane's case¹¹ a portion of the court seemed to think that the President's mandate was necessary for the commencement of the proceedings. If there is no diplomatic agent, the application may be made through some other

¹ 4 Pap. rel. Tr. W., 50. ² 1 Op. Att.-Gen., 87. ³ 9 St. at L., 302. ⁴ 12 St. at L., 84. For a sketch of negotiations in this respect see Lawrence's Wheaton, note 78, page 236. ⁵ 1 Op. At.-Gen., 83, Lee. *Ib.*, 8, 215, Cushing. Vogt's case, Williams, July 21, 1873. ⁶ Holmes vs. Jennison, 14 Peters, 540. ⁷ 2 Op. At.-Gen., 452, Taney. *Ib.*, 559, Taney. ⁸ *Ib.*, 85, Cushing. See also Dana's note (Dana's Wheaton) No. 78, pages 182-184. ⁹ 4 Op. At.-Gen., 201, Nelson. ¹⁰ See Kaine's case, 10 N. Y. Leg. Obs., 257. The British Prisoners, 1 Woodbury & Minot, 66. Ware's case, 3 N. Y. Leg. Obs., 346. Heilbron's case, 12 N. Y. Leg. Obs., 65. ¹¹ 4 Op. At.-Gen., 330, Nelson. See Veremaitre's case, 9 N. Y. Leg. Obs., 129. ¹² 6 Op. At.-Gen., 91, Cushing. ¹³ 14 Howard, 103.

recognized channel.¹ A clerical error in the letter authorizing commencement of proceeding is immaterial.²

Only *prima-facie* evidence of the commission of the crime is necessary.³ But a mere notification is not sufficient *prima-facie* evidence.⁴

Where a person claimed as a fugitive from justice is under examination before a Commissioner of the United States, a State court cannot revise the case on Habeas Corpus.⁵

Constructive Larceny, or Embezzlement, is not among the causes of extradition provided for by the Treaty of 1842 between Great Britain and the United States.⁶

On the 28th of February 1856, the case of a breach of trust was not embraced among the crimes for which extradition would be demanded in the United States by France.⁷ The term "public officers," or "public depositaries," in a Treaty, signifies officers or depositaries of the government only, and does not comprehend officers of a railroad company.⁸ See a note by Mr. Cushing in the Appendix to the 8th Volume of the Opinions of the Attorneys-General for a *résumé* of the then subsisting Treaties of Extradition.

The expenses of counsel in conducting legal proceedings for extradition are to be borne by the government making the demand.⁹

Unless otherwise provided by Treaty it is immaterial whether the person demanded is or is not a citizen of the United States.¹⁰

FRANCE.

The introductory note sets forth with sufficient minuteness the circumstances under which the Treaties of Alliance and of Amity and Commerce of 1778, and the Consular Convention of 1788 were concluded. The latter is the only one of the Treaties concluded before the adoption of the Constitution which has received the constitutional assent of the Senate.

On the 25th of January, 1782, the Continental Congress passed an act authorizing and directing Dr. Franklin to conclude a Consular Convention with France on the basis of a scheme which was submitted to that body. Dr. Franklin concluded a very different convention, which Jay, the Secretary for Foreign Affairs, and Congress did not approve.¹¹ Franklin having returned to America, the negotiations then fell upon Jefferson, who concluded the Convention of 1788. This was laid before the Senate by President Washington on the 11th of June, 1789.

On the 21st of July it was ordered that the Secretary of Foreign Affairs attend the Senate to-morrow and bring with him such papers as

¹ 8 Op. At.-Gen., 240, Cushing. ² 8 Op. At.-Gen., 420, Cushing. ³ 6 Op. At.-Gen., 217, Cushing. ⁴ 7 Op. At.-Gen., 6, Cushing. ⁵ 6 Op. At.-Gen., 237, 290, Cushing. ⁶ *Ib.*, 431, Cushing. ⁷ 7 Op. At.-Gen., 643, Cushing. ⁸ 8 Op. At.-Gen., 106, Cushing. ⁹ 9 Op. At.-Gen., 497, Black. ¹⁰ Wheaton's State Trials, 392. ¹¹ 1 D. C., 1783-89, 232.

are requisite to give full information relative to the Consular Convention between France and the United States.¹ Jay was the Secretary thus "ordered." He was holding over, as the new Department was not then created. The Bill to establish a Department of Foreign Affairs had received the assent of both Houses the previous day,² but had not yet been approved by the President.³ Jay appeared, as directed, and made the necessary explanations.⁴ The Senate then Resolved that the Secretary of Foreign Affairs under the former Congress be requested to peruse the said Convention, and to give his opinion how far he conceives the faith of the United States to be engaged, either by former agreed stipulations or negotiations entered into by our Minister at the Court of Versailles, to ratify in its present sense or form the Convention now referred to the Senate.⁵ Jay made a written report on the 27th of July that in his judgment the United States ought to ratify the Convention;⁶ and the Senate gave its unanimous consent.⁷ The Statute to carry the Convention into effect was passed the 14th of April, 1792.⁸

Three articles in the treaties with France concluded before the Constitution became the cause of difference between the two Powers:

1. Article XI of the Treaty of Alliance, by which the United States, for a reciprocal consideration, agreed to guarantee to the King of France his possessions in America, as well present as those which might be acquired by the Treaty of Peace.

2. Article XVII of the Treaty of Amity and Commerce, providing that each party might take into the ports of the other its prizes in time of war, and that they should be permitted to depart without molestation; and that neither should give shelter or refuge to vessels which had made prizes of the other unless forced in by stress of weather, in which case they should be required to depart as soon as possible.

3. Article XXII of the same Treaty, that foreign privateers, the enemies of one party, should not be allowed in the ports of the other to fit their ships or to exchange or sell their captures, or to purchase provisions except in sufficient quantities to take them to the next port of their own State.

Jefferson, who was the Minister of the United States at the Court of Versailles when the Constitution went into operation, was appointed Secretary of State by President Washington on the 26th of September, 1789. He accepted the appointment and presented Short to Neckar as chargé d'affaires of the United States.⁹

Gouverneur Morris, of New York, who had been in Europe from the dawn of the French revolution, and had been in regular friendly correspondence with Washington,¹⁰ was appointed Minister to France on the 12th of January, 1792. At the time of the appointment Washington

¹ Annals 1st Sess. 1st Cong., 52. ² *Ib.*, 685. ³ *Ib.*, 52. ⁴ *Ib.* ⁵ *Ib.* ⁶ *Ib.*, 54. ⁷ *Ib.* ⁸ 1 St. at L., 254. ⁹ 3 Jefferson's Works, 119. ¹⁰ 1 F. R. F., 379-399.

wrote him a friendly and admonitory letter: "The official communications from the Secretary of State accompanying this letter will convey to you the evidence of my nomination and appointment of you to be Minister Plenipotentiary of the United States at the Court of France; and my assurance that both were made with *all my heart* will, I am persuaded, satisfy you as to that fact. I wish I could add that the advice and consent flowed from a similar source. * * * Not to go further into detail I will place the ideas of your political adversaries in the light in which their arguments have presented them to me, namely, that the promptitude with which your lively and brilliant imagination is displayed allows too little time for deliberation and correction, and is the primary cause of those sallies which too often offend, and of that ridicule of character which begets enmity not easy to be forgotten, but which might easily be avoided if it was under the control of more caution and prudence. In a word, that it is indispensably necessary that more circumspection should be observed by our representatives abroad than they conceive you are inclined to adopt. In this statement you have the *pros* and *cons*. By reciting them I give you a proof of my friendship if I give you none of my policy or judgment."¹

Morris entered upon the duties of his office with these wise cautions in his hand, but he did not succeed in gaining the good-will of a succession of governments with which he had little sympathy:² for he writes Jefferson on the 13th of February, 1793: "Some of the leaders here who are in the diplomatic committee hate me cordially, though it would puzzle them to say why."³

When Morris was appointed Minister, the commercial relations between the two countries were satisfactory to neither. Exceptional favors to the commerce of the United States, granted by royal decree in 1787 and 1788,⁴ had been withdrawn, and a jealousy was expressed in France in consequence of the Act of Congress putting British and French commerce on the same basis in American ports.⁵ No exceptional advantages had come to France from the war of the revolution, and American commerce had reverted to its old British channels.

Jefferson greatly desired to conclude a convention with France which should restore the favors which American commerce had lost, and bring the two countries into closer connection. On the 10th of March, 1792, he instructs Morris: "We had expected, ere this, that in consequence of the recommendation of their predecessors, some overtures would have been made to us on the subject of a Treaty of commerce. * Perhaps they expect that we should declare our readiness to meet on the ground of Treaty. If they do, we have no hesitation to declare it."⁶ Again, on the 28th of April, he writes: "It will be impossible to defer longer than the next session of Congress some counter regulations for the protection of our navigation and commerce. I must entreat you, therefore, to

¹ 10 Washington's Writings, 216-18. ² 1 F. R. F., 412. ³ *Ib.*, 350. ⁴ *Ib.*, 113, 116. ⁵ See Short's correspondence, *Ib.*, 120. ⁶ Jefferson's Works, 333-9.

avail yourself of every occasion of friendly remonstrance on this subject. If they wish an equal and cordial treaty with us, we are ready to enter into it. We would wish that this could be the scene of negotiation."¹ Again, on the 16th of June, he writes: "That treaty may be long on the anvil; in the mean time we cannot consent to the late innovations without taking measures to do justice to our own navigation."²

The great revolution of the 10th of August, and the imprisonment of the King, were duly reported by Morris;³ and Jefferson replied on the 7th of November: "It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation substantially declared. * * There are some matters which I conceive might be transacted with a government *de facto*; such, for instance, as the reforming the unfriendly restrictions on our commerce and navigation."⁴

To these instructions, Morris answered on the 13th of February, 1793, three weeks after the execution of the King, and a fortnight after the declaration of war against England: "You had * instructed me to endeavor to transfer the negotiation for a new treaty to America, and if the revolution of the 10th of August had not taken place, * I should, perhaps, have obtained what you wished. * * * The thing you wished for is done, and you can treat in America if you please."⁵ In the same despatch, Morris spoke of the "sending out of M. Genet, without mentioning to me a syllable either of his mission or his errand," and said that "the pompousness of this embassy could not but excite the attention of England."⁶

On the 7th of March, Morris wrote to Jefferson that "Genet took out with him three hundred blank commissions, which he is to distribute to such as will fit out cruizers in our ports to prey on the British commerce," and that he had already mentioned the fact to Pinckney, and had desired him to transmit it.⁷

The new condition of affairs caused by the war induced the President to submit a series of questions to the members of his cabinet for their consideration and reply.⁸ It would seem from a passage in Mr. Jefferson's *Annals* that the second of these questions—"Shall a Minister from France be received?" was suggested by the Secretary of State.⁹ An account of the meeting of the cabinet at which these questions were discussed will be found in vol. 9 Jefferson's Works, page 142.

The first two questions were unanimously answered in the affirmative—that a proclamation for the purpose of preventing citizens of the United States from interfering in the war between France and Great Britain should issue, and that Genet should be received; but by a compromise, the term "neutrality" was omitted from the text of the proclamation.¹⁰

¹ *Ib.*, 356. ² *Ib.*, 449. ³ 1 F. R. F., 333. ⁴ 3 Jefferson's Works, 489. ⁵ 1 F. R. F., 350. ⁶ *Ib.* ⁷ 1 F. R. F., 354. ⁸ 10 Washington's Works, 337; 533. ⁹ 9 Jefferson's Works, 140. ¹⁰ 3 Jefferson's Works, 591.

When Genet landed in Charleston, on the 8th of April, 1793—even when he arrived in Philadelphia—it may be believed that Washington contemplated the probability of closer relations with France, and the possibility of a war with Great Britain. The relations with the latter Power were in a critical condition. British garrisons were occupying commanding positions on our lake frontiers, within the territory of the United States, in violation of the Treaty of 1783; and an Indian quarrel was on the President's hands, fomented, as he thought, by British intrigue.¹

The policy which Washington favored, denied France nothing that she could justly demand under the Treaty, except the possible enforcement of the provision of guarantee; and that provision was waived by Genet in his first interview with Jefferson. "We know," he said, "that under present circumstances we have a right to call upon you for the guarantee of our islands. But we do not desire it."²

On the other hand, it offered to Great Britain neutrality only, without a right of asylum for prizes, this being conferred exclusively by Treaty upon France; and it demanded the relinquishment of the Forts on the lakes and the abandonment of impressment.

It is not likely that the purposes of Genet's mission were fully comprehended by the American Government. By a Treaty in 1762, (first made public in 1836,) ³ France ceded Louisiana to Spain. Genet was instructed to sound the disposition of the inhabitants of Louisiana towards the French Republic, and to omit no opportunity to profit by it should circumstances seem favorable. He was also to direct particular attention to the designs of the Americans upon the Mississippi.⁴

In one of his letters Genet says of himself, "I have been seven years a head of the bureau at Versailles, under the direction of Vergennes; I have passed one year at London, two at Vienna, one at Berlin, and five in Russia."⁵ His dealings with the United States showed that he had gathered little wisdom from such varied experience.

Before he left Charleston, which at that time had few regular means of communication with Philadelphia, he had armed and commissioned several vessels, and these vessels, dispatched to sea, had made many prizes.⁶ On his arrival at Philadelphia, Jefferson met him with complaints; but he justified his course at Charleston and denounced an interference with it as a "State Inquisition;"⁷ and, admitting what was complained of, he contended that he had not exceeded the rights conferred upon his country by the Treaty of 1778.

The Secretary of State disputed his reasoning; upon which he retorted: "I wish, Sir, that the Federal Government should observe, as far as in their power, the public engagements contracted by both nations; and that by this generous and prudent conduct, they will give at

¹ 10 Washington's Works, 239; See also Morris's opinion, 1 F. R. F., 412; and Randolph's, *Ib.*, 678. ² 3 Jefferson's Works, 563. ³ 6 Garden, 266. ⁴ 8 Garden, 40-41. ⁵ 1 F. R. F., 183. ⁶ *Ib.*, 150. ⁷ *Ib.*

least to the world the example of a true neutrality, which does not consist in the cowardly abandonment of their friends, in the moment when danger menaces them, but in adhering strictly, if they can do no better, to the obligations they have contracted with them."¹ He continued to claim and exercise the right of using the ports of the United States as a base for warlike operations, and, as the discussions went on, his expressions became stronger, and more contemptuous toward the President and the Government of the United States.

His instructions contemplated a political alliance between the two republics.² This was never proposed. He did propose, however, the re-arrangement of the debt due to France on the basis of the payment of a larger instalment than was required by the contract, to be expended in the purchase of provisions in the United States:—and the conclusion of a new commercial Treaty. Jefferson declined the former, and as to the latter said that the participation in matters of Treaty given by the Constitution to the Senate would delay any definite answer.³

At length his conduct became so violent and indecent (Garden speaks of Washington as "*personnellement insulté dans les actes diplomatiques de M. Genet*"⁴) that Jefferson, on the 15th of August, 1793, instructed Morris to demand his recall. One of the first acts of his successor was to demand his arrest for punishment, which was refused by the Government of the United States "upon reasons of law and magnanimity."⁵

It was several months before the request for his recall could be complied with. Meanwhile, the United States being without a navy, prizes continued to be brought into their ports, and French Consuls attempted to hold prize courts within their jurisdiction.⁶ Genet also applied himself diligently at this time to the greater scheme respecting the Louisianas, which Garden regards as the main object of his mission. An armed expedition was organized in South Carolina and Georgia for an attack upon Florida.⁷ Garden says that he had assurances that all Louisiana desired to return under the jurisdiction of France, and he made serious preparations for conquering it. He prepared a co-operation of naval forces, which were to appear off the coast of Florida. The principal land forces were to embark from Kentucky, and, descending the Ohio and the Mississippi, were to fall unexpectedly upon New Orleans.⁸ The action of the Government and the recall of Genet put a stop to these expeditions against Spain, although Jefferson at that time thought a war with Spain inevitable.⁹

In retaliation the Executive Provisory Council of the French Republic demanded the recall of Morris.¹⁰ In communicating the fact to him

¹ *Ib.*, 151. ² *Ib.*, 708. ³ *Ib.*, 568. ⁴ Garden, 43, "personally insulted by the acts of Mr. Genet." ⁵ 1 F. R. F., 709. ⁶ *Ib.*, 147. ⁷ *Ib.*, 309, 426. ⁸ *Traité de Paix*, 42. More detailed account of this affair will be found in 2 Pitkin's Political History, 379. ⁹ 3 Jefferson's Works, 591. ¹⁰ 1 F. R. F., 463.

Secretary Randolph said: "You have been assailed, however, from another quarter. Nothing has ever been said to any officer of our Government by the Ministers of France which required attention until the 9th day of April last, when Mr. Favchet communicated to me a part of his instructions, indirectly but plainly making a wish for your recall. In a few days afterwards a letter was received from the Executive Provisory Council, expressive of the same wish. Mr. Fanchet was answered by me, under the direction of the President, as I am sure your good sense will think inevitable, that the act of reciprocity demanded should be performed."¹

Washington wrote Morris, when his successor went out: "I have so far departed from my determination as to be seated in order to assure you that my confidence in, and friendship and regard for you, remain undiminished * * and it will be nothing new to assure you that I am always and very sincerely, yours, affectionately;"² and when his correspondence was called for by the Senate, Washington himself, in association with Hamilton and Randolph, went over it (and it was voluminous) in order that nothing might be communicated which would put in peril those who had given him information, or which would re-act upon him in France.³

When the war broke out in February, 1793, Morris wrote Jefferson: "As to the conduct of the war, I believe it to be on the part of the enemy as follows: first, the maritime powers will try to cut off all supplies of provisions, and take France by famine; that is to say, excite revolt among the people by that strong lever. * * It is not improbable that our vessels bringing provisions to France may be captured and taken into England."⁴ His prescience was accurate. Such instructions were given to British men-of-war on the 8th day of June, 1793. The British measure, however, was anticipated by a decree of the National Convention of the 9th of May, authorizing ships of war and privateers to seize and carry into the ports of the Republic merchant-vessels which are wholly or in part loaded with provisions, being neutral property bound to an enemy's port, or having on board merchandise belonging to an enemy.⁵ On the 23d of the same month the vessels of the United States were exempted from the operation of this decree;⁶ but on the 5th of December, 1793, President Washington sent a special message to Congress, in which he said: "The representative and executive bodies of France have manifested generally a friendly attachment to this country; have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground; a decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemies' goods lawful prize in the vessel of a friend, con-

¹ Randolph to Morris, April 29, 1794, MS. Dept. of State. ²1 F. R. F., 409. ³Randolph to Morris, April 29, 1794, MS. Dept. of State. ⁴1 F. R. F., 350. ⁵Ib., 244. ⁶Ib.

trary to our Treaty, though revoked at one time as to the United States, has been since extended to their vessels also, as has been recently stated to us."¹

An embargo was laid upon vessels in the port of Bordeaux, "some exceptions in favor of those vessels said to be loaded on account of the republic" being made.² Morris was promised daily that the embargo should be taken off, and indemnification be granted for the losses,³ but it was not done, and "a number of Americans," injured by it, complained to the Minister.⁴ The embargo was not removed until the 18th of November, 1794.⁵

Monroe succeeded Morris, and on the 12th February, 1795, wrote: "Upon my arrival here I found our affairs * * in the worst possible situation. The Treaty between the two Republics was violated. Our commerce was harassed in every quarter and in every article, even that of tobacco not excepted. * * Our former Minister was not only without the confidence of the government, but an object of particular jealousy and distrust. In addition to which it was suspected that we were about to abandon them for a connection with England, and for which purpose *principally* it was believed that Mr. Jay had been sent there."⁶

Monroe's and Jay's services commenced nearly simultaneously. Monroe's commission was dated the 28th of May, and Jay's the 19th of April, 1794. Jay's Treaty was proclaimed the 29th of February, 1796. Monroe was not recalled until the 22d of the following August,⁷ but the angry correspondence which preceded his recall⁸ may be said to have been caused by a radical difference of opinion respecting his colleague's mission to London.

Whatever may have been the feeling toward Monroe's predecessor, he himself was well received. The Committee of Public Safety welcomed him "with the most distinguished marks of affection," and offered him a house, which offer he declined.⁹ He remained in relations of personal good-will with the different Governments of France, and did not fail to urge in his correspondence with the Secretary of State the policy of settling the differences with Great Britain by an alliance with France:¹⁰ nor did he conceal those opinions from the Government to which he was accredited.¹¹ While the relations between Great Britain and the United States were balancing themselves in London on the issue of Jay's Treaty, those between the United States and France were held in like suspense in Paris.

Monroe endeavored to obtain from Jay a knowledge of the negotiations and a copy of the Treaty. Jay refused to communicate informa-

¹ 1 F. R. F., 141. ² *Ib.*, 401. ³ *Ib.*, 403. ⁴ *Ib.*, 405. ⁵ *Ib.*, 689. ⁶ 1 F. R. F., 694. ⁷ *Ib.*, 741. ⁸ *Ib.*, 658-741. ⁹ *Ib.*, 675. ¹⁰ See, among others, his letters in 1 F. R. F. of Nov. 20, 1794, 685; Dec. 2, 1794, 687; Jan. 13, 1795, 691; Feb. 12, 1795, 694; and March 17, 1795, 700. ¹¹ *Ib.*, 700.

tion, except in confidence, and Monroe declined to receive it unless he should be at liberty to communicate it to the French Government.¹ A copy was, however, officially communicated to the French Minister at Washington.² When the fate of that Treaty was ensured, the directory at first resolved (and so informed Monroe) to consider the alliance at an end, but they gave no formal notice to that effect.³ In lieu of that they lodged with him, on the 11th of March, 1796, a summary exposition of the complaints of the French Government against the Government of the United States, namely, (1.) That the United States Courts took jurisdiction over French Prizes, in violation of the Treaty of 1778. (2.) That British men-of-war were admitted into American Ports in violation of the same article. (3.) That the United States had failed to empower any one to enforce consular judgments, which was alleged to be a violation of the Convention of 1788. (4.) That the Captain of the "Cassius" had been arrested in Philadelphia for an offence committed on the high seas. (5.) That an outrage had been committed on the effects of the French Minister within the waters of the United States. (6.) That by Jay's Treaty the number of articles contraband of war, which a neutral might not carry, had been increased above the list specified in the treaties with France, which was a favor to England. (7.) That provisions had been recognized in Jay's Treaty as an article contraband of war.⁴

On the 2d of July, 1796, the directory decreed that all neutral or allied powers should, without delay, be notified that the flag of the French Republic would treat neutral vessels, either as to confiscation, or to searches, or capture, in the same manner as they shall suffer the English to treat them.⁵ Garden says that a second decree relating to the same object was made on the 16th of the same month, and that neither decree has been printed. The translation of the first one is printed among the American documents cited above, as also the translation of a note transmitting it to Monroe.⁶ Garden refers to Rondonneau, *Répertoire général de la Législation française*, vol. 11, p. 311, for the text of the second.⁷

Pickering, the successor of Randolph, noticed the complaints of the French Government in elaborate instructions to Pinckney, Monroe's successor, on the 16th of January, 1797.⁸ His replies were in substance, (1.) That the courts had taken jurisdiction over no prizes, except when they were alleged to have been made in violation of the obligations of the United States as a neutral, and that the cases in which interference had taken place were few in number and insignificant. (2.) That it was no violation of the Treaty with France to admit British ships of war into American ports, provided British privateers and prizes were excluded. (3.) That there was no Treaty obligation upon officers of the United States to enforce French consular judgments, and that the clause referred to was exceptional and ought not to be enlarged by con-

¹ Ib., 517, 691, 700. ² Ib., 594. ³ Ib., 730. ⁴ Ib., 732-3. ⁵ Ib., 577. ⁶ Ib., 739. ⁷ 6 Garden *Traité de Paix*, 112, note. ⁸ 1 F. R. F., 559.

struction. (4.) The facts respecting the "Cassius" were stated in order to show that no offence had been committed. (5.) That the executive had taken as efficacious measures as it could to obtain satisfaction for the outrage upon Favchet. (6.) That the United States would gladly have put the definition of contraband on the same basis in its Treaties with both countries; but that Great Britain would not consent, and an independent arrangement had been made which did not affect the other Treaty arrangement made with France. (7.) That the stipulation as to provisions, without admitting the principle that provisions were contraband, would tend to promote adventures in that article to France.

A correspondence respecting the same subject had also taken place at Washington, in which the same complaints of the directory were repeated and other complaints were urged.¹ To the latter Pickering responded thus, in the same note in which he noticed the complaints which had been made in Paris. (1.) *Charge*.—That the negotiation at London had been "enveloped from its origin in the shadow of mystery, and covered with the veil of dissimulation."² *Reply*.—"To whom was our Government bound to unveil it? To France or to her Minister? * Did we stipulate to submit the exercise of our sovereignty * * to the direction of the Government of France? Let the Treaty itself furnish an answer."³ (2.) *Charge*.—That the Government of the United States had made an insidious proclamation of neutrality. *Reply*.—That "this proclamation received the pointed approbation of Congress," and "of the great body of the citizens of the United States." (3.) *Charge*.—That the United States "suffered England, by insulting its neutrality, to interrupt its commerce with France." *Reply*.—That a satisfaction had been demanded and obtained in a peaceable manner—by Treaty, and not by war. (4.) *Charge*.—That they "allowed the French colonies to be declared in a state of blockade." *Reply*.—That the United States, as a neutral, could only question the sufficiency of a blockade, and that they would do so when facts should warrant it. (5.) *Charge*.—That the United States eluded advances for renewing the Treaties of commerce. *Reply*.—That Genet was the first French Minister who had been empowered to treat on those subjects, and the reasons for not treating with him were well known; that his successor, Favchet, had not been so empowered, and that the United States had always been ready to negotiate with Adet, and all obstacles had come from him since the ratification of Jay's Treaty. (6.) *Charge*.—That the United States were guilty of ingratitude towards France. *Reply*.—That the United States, appreciating their obligations to France, had done something themselves towards the achievement of their independence; that, "of all the loans received from France in the American war, amounting nearly to 53,000,000 livres, the United States under their late Government had been enabled to pay not 2,500,000 livres; that the present Government, after paying up the

¹ 1 F. R. F., 579. ² *Ib.*, 581. ³ *Ib.*, 561.

arrearages and instalments mentioned by Mr. Jefferson, had been continually anticipating the subsequent instalments until, in the year 1795, the whole of our debt to France was discharged, by the payment of 11,500,000 livres, no part of which would have become due until Sept. 2, 1796, and then only 1,500,000, the residue at subsequent periods, the last not until 1802." (7.) *Charge*.—That English vessels were impressing American seamen. *Reply*.—That this concerned the Government of the United States only; and that as an independent nation they are not obliged to account to any other power respecting the measures which they judge proper to take in order to protect their own citizens. Other less important points were discussed, as will be seen by referring to the correspondence.

The course of the French was giving rise to many claims:—for spoliations and maltreatment of vessels at sea, for losses by the embargo at Bordeaux, for the non-payment of drafts drawn by the colonial administrations, for the seizure of cargoes of vessels, for non-performance of contracts by government agents, for condemnation of vessels and their cargoes in violation of the provisions of the Treaties of 1778, and for captures under the decree of May 9, 1793. Skipwith, the Consul-General of the United States in France, was directed to examine into and report upon these claims; his report was made on the 20th November, 1795.¹

On the 9th of September, 1796, Charles Cotesworth Pinckney was sent out to replace Monroe, with a letter from the Secretary of State, saying: "The claims of the American merchants on the French Republic are of great extent, and they are waiting the issue of them, through the public agents, with much impatience. Mr. Pinckney is particularly charged to look into this business, in which the serious interests, and, in some cases, nearly the whole fortunes of our citizens are involved."² But the directory, early in October, 1793, recalled their Minister from the United States.³ Before Pinckney could arrive in France, they, "in order to strike a mortal blow, at the same moment, to British industry and the profitable trade of Americans in France, promulgated the famous law of the 10th Brumaire, year 5, (31st October, 1796,) whereby the importation of manufactured articles, whether of English make or of English commerce, was prohibited both by land and sea throughout the French Republic;"⁴ and, on his arrival, they informed Monroe "that the directory would no longer recognize or receive a Minister Plenipotentiary from the United States, until after a reparation of the grievances demanded of the American Government, and which the French Republic has a right to expect."⁵

Pinckney was thereupon ordered to quit France under circumstances of great indignity,⁶ and Monroe took his formal leave on the 30th December, 1796. In reply to his speech at that time, the President of the

¹ 1 F. R. F., 753-758. ² *Ib.*, 742. ³ *Ib.*, 745. ⁴ 6 *Garden*, 117. ⁵ 1 F. R. F., 746. ⁶ 2 F. R. F., 7 10.

Directory said: "By presenting, this day, to the Executive Directory your letters of recall, you offer a very strange spectacle to Europe. France, rich in her freedom, surrounded by the train of her victories, and strong in the esteem of her allies, will not stoop to calculate the consequences of the condescension of the American Government to the wishes of its ancient tyrants. The French Republic expects, however, that the successors of Columbus, Raleigh, and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh, in their wisdom, the magnanimous friendship of the French people with the crafty caresses of perfidious men, who meditate to bring them again under their former yoke. Assure the good people of America, Mr. Minister, that, like them, we adore liberty; that they will always possess our esteem, and find in the French people that republican generosity which knows how to grant peace as well as to cause its sovereignty to be respected."¹

The moment this speech was concluded, the Directory, accompanied by the Diplomatic Corps, passed into the audience-hall to receive from an *Aid-de Camp* of Bonaparte the four Austrian colors taken at the battle of Arcola.² The Diplomatic Corps may, therefore, be presumed to have witnessed this indignity.

A French writer of authority thus characterizes these incidents: "Ainsi ce gouvernement prétendait que les états-unis accédassent à ses demandes sans examen, sans discussion préalable; à cet outrage, le gouvernement français en ajouta un autre: lorsque M. Monroe prit publiquement congé du directoire exécutif, Barras, que en était le président, lui adressa un discours rempli d'expressions qui durent choquer les Américains."³

In closing the sketch of what took place during the administration of President Washington, it only remains to say that in addition to the acts of the 2d of July and the 31st of October, 1796, already referred to,⁴ the Executive Directory, on the 2d of March, 1797, decreed that all neutral ships with enemy's property on board might be captured; that enemy's property in neutral bottoms might be confiscated; that the Treaty of 1778 with the United States should be modified by the operation of the favored nation clause, so as to conform to Jay's Treaty, in the following respects: (1) That property in American bottoms not proved to be neutral should be confiscated; (2) That the list of contraband of war should be made to conform to Jay's Treaty; (3) That

¹ *Ib.*, 747. ² *Rédacteur*, No. 382, January 1, 1797. ³ *Garden, Traité de paix*, 118. "Thus this government pretended that the United States should accede to its demands without examination, without discussion. To this outrage the French Government added another: While Mr. Monroe took public leave of the Executive Directory, Barras, who was the President, made him a speech full of expressions calculated to shock the Americans." ⁴ *1 F. R. F.*, 577.

Americans taking a commission against France should be treated as pirates: and that every American ship should be good prize which should not have on board a crew-list in the form prescribed by the model annexed to the Treaty of 1778, the observance of which was required by the 25th and 27th Articles.¹ The 25th Article made provision for a passport, and for a certificate of cargo. The 27th Article took notice only of the passport; and the model of the passport only was annexed to the Treaty. The Treaty required that the passport should express the name, property, and bulk of the ship, and the name and place of habitation of the master, but it made no provision respecting the crew-list. After the adoption of the Constitution, Congress, by general laws, made provision for national official documents, for proof of, among other things, the facts referred to in the 25th and 27th Articles of the Treaty with France. The name of the ship was to be painted on her stern, and to be shown in the Register;² her ownership was to be proved on oath, and be stated in the Register,³ and her tonnage was to be stated in the same instrument, as the result of our official survey.⁴ Equally cogent laws were made to ensure an accurate crew-list.⁵ It is probable, therefore, that when the decree of March 2, 1797 was made, there was not an American ship afloat with the required documents; and it is equally probable that the French Government, which, with the whole civilized world, had acquiesced in the sufficiency of the new national system, knew that to be the fact. The decree was, therefore, equivalent in its operation to a declaration of maritime war against American commerce. The United States had at that time no navy against which such a war could be carried on.

The difficulties in dealing with these questions were increased by the attitude of other foreign powers. The Batavian Republic besought the United States Minister to represent to his Government "how useful it would be to the interests of the inhabitants of the two republics, that the United States should at last seriously take to heart the numberless insults daily committed on their flag by the English;"⁶ and the Spanish Minister at Philadelphia formally remonstrated against the British Treaty of 1794 as a violation of a Treaty with Spain concluded a year later, because it did not make the neutral flag secure the goods; because it extended the list of contraband; and because it assumed that Great Britain had the right of navigation of the Mississippi.⁷

President Adams, in his speech at the opening of the first session of the Fifth Congress, (May 16, 1797,) said: "With this conduct of the French Government it will be proper to take into view the public audience given to the late minister of the United States, on his taking leave of the Executive Directory. The speech of the President discloses sentiments more alarming than the refusal of a minister, because

¹ 2 F. R. F., 31. ² 1 St. at L., 238. ³ Ib. 289. ⁴ Ib., 290; see also Ib., 55, et seq. ⁵ Ib., 31. ⁶ 2 F. R. F., 13. ⁷ Ib., 14.

more dangerous to our independence and union, and at the same time studiously marked with indignities towards the Government of the United States. It evinces a disposition to separate the people of the United States from the Government; to persuade them that they have different affections, principles, and interests from those of their fellow-citizens whom they themselves have chosen to manage their common concerns; and thus, to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest. * * *

"The diplomatic intercourse between the United States and France being at present suspended, the Government has no means of obtaining official information from that country; nevertheless there is reason to believe that the Executive Directory passed a decree on the 2d of March last, contravening, in part, the treaty of amity and commerce of 1778, injurious to our lawful commerce, and endangering the lives of our citizens. A copy of this treaty will be laid before you.

"While we are endeavoring to adjust all of our differences with France, by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and general complexion of affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.¹

"It is impossible to conceal from ourselves, or the world, what has been before observed, that endeavors have been employed to foster and establish a division between the government and people of the United States. To investigate the causes which have encouraged this attempt is not necessary. But to repel, by decided and united counsels, insinuations so derogatory to the honor, and aggressions so dangerous to the Constitution, union, and even independence of the nation, is an indispensable duty."²

The answer of the House to this speech was in a conciliatory spirit; and on the first of the following June Congress yielded so far as to pass a law providing for passports for ships and vessels of the United States.³

Congress adjourned on the 10th of July. On the 13th President Adams commissioned Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry as Envoys to proceed to France and endeavor to renew the relations which had been so rudely broken by the Directory. Their instructions will be found in the 2d volume of the *Folio Foreign Relations*, pages 153, *et seq.* Among other matters they were to secure an adjustment of the claims for spoliations of citizens of the United States, by this time amounting to many millions of dollars.

¹ 1 Annals 5th Cong., 55. ² *Ib.*, 59. ³ 1 St. at L., 489.

They arrived in Paris on the evening of the 4th of October, 1797,¹ and at once notified the Foreign Minister of their presence and requested an interview. Instead of receiving them, three gentlemen, who have become known in history as X, Y, and Z, waited upon them at various times, sometimes singly and sometimes together, and claimed to speak for Talleyrand and the Directory. They told the Envoys that they must pay money, "a great deal of money;"² and when they were asked how much, they replied "fifty thousand pounds sterling"³ as a *douceur* to the Directory, and a loan to France of thirty-two millions of Dutch florins. They said that the passages in the President's speech, which are quoted above, had offended the Directory, and must be retracted, and they urged upon the commissioners in repeated interviews the necessity of opening the negotiations by proposals to that effect.⁴

The American commissioners listened to their statements, and after consultation determined that they "should hold no more indirect intercourse with the Government."⁵ They addressed a letter to Talleyrand on the 11th of November, informing him that they were ready to negotiate.⁶ They got no answer; but on the 14th of December X appeared again, on the 17th Y appeared,⁸ and on the 20th "a lady, who is well acquainted with M. Talleyrand," talked to Pinckney on the subject; ⁹still they got no answer from Talleyrand, and on the 18th of January they read the announcement of a decree that every vessel found at sea loaded with merchandise the production of England should be good prize.¹⁰ Though unrecognized, they addressed an elaborate letter on the 27th of January, 1798, to Talleyrand, setting forth in detail and with great ability the grievances of the United States.¹¹ On the 2d of March, they had an interview with him. He repeated that the Directory had taken offence at Mr. Adams's speech, and added that they had been wounded by the last speech of President Washington. He complained that the Envoys had not been to see him personally; and he urged that they should propose a loan to France.¹² Pinckney said that the propositions seemed to be those made by X and Y. The Envoys then said that they had no power to agree to make such a loan. On the 18th of March Talleyrand transmitted his reply to their note. He dwelt upon Jay's Treaty as the principal grievance of France. He says "he will content himself with observing, summarily, that in this Treaty everything having been calculated to turn the neutrality of the United States to the disadvantage of the French Republic, and to the advantage of England; that the Federal Government having in this act made to Great Britain concessions the most unheard of, the most incompatible with the interests of the United States, the most derogatory to the alliance which subsisted between the said States and the French Republic, the latter was perfectly free, in order to avoid the inconveniences of the Treaty of

¹ 2 F. R. F., 157. ² Ib., 159. ³ Ib. ⁴ Ib., 158-168. ⁵ Ib., 164. ⁶ Ib., 166. ⁷ Ib. ⁸ Ib., 177. ⁹ Ib. 167. ¹⁰ Ib., 182. ¹¹ Ib., 169. ¹² Ib., 186.

London, to avail itself of the preservative means with which the law of nature, the laws of nations, and prior treaties furnish it." He closed by stating "that notwithstanding the kind of prejudice which has been entertained with respect to them, the Executive Directory is disposed to treat with that one of the three whose opinions, presumed to be more impartial, promise, in the course of the explanations, more of that reciprocal confidence which is indispensable."¹

Gerry was the member referred to. The three Envoys answered that no one of the three was authorized to take the negotiation upon himself.² Pinckney and Marshall then left Paris. Gerry remained. Talleyrand tried to induce him to enter into negotiations for a loan to France, but he refused.³ Before he left Paris, a mail arrived from America bringing printed copies of the despatches of the Envoys, with accounts of their interviews with X, Y, and Z and "the lady." Talleyrand at once asked Gerry for the four names. Gerry gave him the name of Y, Mr Bellamy, and Z, Mr. Hautval, and said that he could not give the lady's name, and would not give X's name. The name of X is preserved in the Department of State. Gerry left Paris on the 26th July, 1798.

The President transmitted to Congress the reports of the Envoys as fast as they were received; and when he heard of Marshall's arrival in America he said to Congress, "I will never send another Minister to France without assurances that he will be received, respected, and honored as he representative of a great, free, powerful, and independent nation."⁴ The statutes of the United States show the impression which the news made upon Congress. The "Act to provide an additional armament for the further protection of the trade of the United States, and for other purposes,"⁵ is the first of a series of acts. It was passed in the House amid great excitement. Edward Livingston, who closed the debate on the part of the opposition, said: "Let no man flatter himself that the vote which has been given is not a declaration of war. Gentlemen know that this is the case."⁶ This was followed in the course of a few weeks by acts organizing a Navy Department;⁷ for increasing or regulating the Army;⁸ for purchasing arms;⁹ for construction of vessels;¹⁰ for authorizing the capture of French vessels;¹¹ for suspending all intercourse with France;¹² for authorizing merchant-vessels to protect themselves;¹³ for abrogating the Treaties with France;¹⁴ for establishing a Marine Corps;¹⁵ and for authorizing the borrowing of money.¹⁷ In the next session of Congress further augmentation of the Navy¹⁸ and of the Army¹⁹ was made; the suspension of intercourse was prolonged,²⁰ and provisions were made for restoring captured French citizens,²¹ and for retaliations in case of death from impressments.²²

¹ Ib., 190-191. ² Ib., 199. ³ Ib., 204-238. ⁴ Ib., 210. ⁵ Ib., 199. ⁶ 1 St. at L., 552. ⁷ 2 Annals 5th Cong., 1519. ⁸ 1 St. at L., 553. ⁹ Ib., 552, 558, 604. ¹⁰ Ib., 555, 576. ¹¹ Ib., 556, 569, 608. ¹² Ib., 561, 578. ¹³ Ib., 565. ¹⁴ Ib., 572. ¹⁵ Ib., 578. ¹⁶ Ib., 594. ¹⁷ Ib., 607. ¹⁸ Ib., 621. ¹⁹ Ib., 725. ²⁰ Ib., 613. ²¹ Ib., 624. ²² Ib., 743.

Washington was made Lieutenant-General and Commander-in-Chief of the Army, and, in accepting, said : "The conduct of the Directory of France towards our country ; their insidious hostility to its Government ; their various practices to withdraw the affections of the people from it ; the evident tendency of their acts and those of their agents to countenance and invigorate opposition ; their disregard of solemn treaties and the law of nations ; their war upon our defenceless commerce ; their treatment of our Ministers of peace ; and their demands, amounting to tribute, could not fail to excite in me corresponding sentiments with those my countrymen have so generally expressed in affectionate addresses to you."¹

The Attorney-General gave an opinion that a maritime war existed between France and the United States, authorized by both nations,² but Congress never made the constitutional declaration of war, nor was such a declaration made on the other side.

It was on the 21st of June that President Adams informed Congress of the terms on which alone he would be willing to send a new Minister to France. Talleyrand immediately opened indirect means of communication with the American Cabinet through Murray, the American Minister at the Hague,³ and on the 28th of September he sent word through Pichon, the French Secretary of Legation at the same place, that "whatever plenipotentiary the Government of the United States might send to France in order to terminate the existing differences between the two countries, he would be undoubtedly received with the respect due to the representative of a free, independent, and powerful nation."⁴ To this proffer, embodying the language of the President's message to Congress, the President replied by empowering Chief-Justice Ellsworth, Mr. Davie, and Mr. Murray "to discuss and settle, by a Treaty, all controversies between the United States and France."⁵

When these Envoys arrived in France they found that the Directory had been overthrown,⁶ and they had to deal with Bonaparte as first Consul. They succeeded in restoring good relations. An account of their negotiations will be found in the 2d volume of the Folio Edition of the Foreign Relations, pages 307 to 345. Their instructions required them to secure, (1) A claims commission. (2) Abrogation of the old treaties. (3) Abolition of the guarantee of 1778. (4) No agreement for a loan. (5) No engagements inconsistent with prior Treaties, meaning doubtless Jay's Treaty. (6) No renewal of the peculiar jurisdiction conferred on consuls by the convention of 1788. (7) Duration of a Treaty not to exceed twelve years.⁷

The negotiators exchanged their powers on the 7th of April, 1800, and concluded a treaty on the 30th of the following September, which (1) declared that the parties could not agree upon the indemnities; (2)

¹ Annals 5th Cong., 622. ² 1 Op. At.-Gen., 84, Lee. ³ 2 F. R. F., 241. ⁴ *Ib.*, 242. ⁵ *Ib.*, 243. ⁶ *Ib.*, 307. ⁷ *Ib.*, 306. ⁸ *Ib.*, 313-14.

nor as to the old treaties; (3) and consequently was silent respecting the guarantee; but (4) made no provisions for a loan; (5) made no engagements inconsistent with prior treaties; (6) did not renew the objectionable consular provisions; and (7) no limitation was set to its operation.

When it was submitted to the Senate that body advised its ratification, provided the second article concerning indemnities should be expunged, and that the convention should be in force for eight years from the date of the exchange of the ratifications. The French Government assented to the limitation of the duration of the Treaty, and to the expunging of the 2d article, upon condition that it should be understood that thereby each party renounced the pretensions which were the objects of the article; which was assented to by the Senate.¹

On the day following the signature of this Treaty in Paris, (Sept. 30, 1800,) a secret treaty was concluded at St. Ildefonso between France and Spain, which came to be of importance to the United States. This was the Treaty by which Louisiana was restored to France. In consideration of the elevation of the Duke of Parma to the rank of King, and the enlargement of his territory, it was agreed that "*Sa Majesté Catholique donnera les ordres nécessaires pour que la France occupe la Louisiane au moment où S. A. R. le duc de Parme sera mise en possession de ses nouveaux Etats.*"²

The United States were anxious concerning the effect of this upon their future.³ But the failure of the Treaty of Amiens to restore a permanent peace induced Napoleon to determine to transfer all the Louisianas to the United States. He consulted Berthier and Marbois. The conference lasted far into the night. Berthier opposed the session. Marbois favored it. Early the next morning he called Marbois to him and said, "*Je renonce à la Louisiane. Ce n'est point seulement la Nouvelle-Orléans que je veux céder; c'est toute la colonie sans en rien réserver.*"⁴

The interview took place on the 10th of April;⁵ the decision was made on the morning of the 11th. On the afternoon of the same day the negotiations opened by an abrupt question from Talleyrand to Livingston whether the United States wished for the whole of Louisiana. Livingston, who had been instructed only to negotiate for New Orleans, and the Mississippi as a boundary line,⁶ said, "No, we only want New Orleans and the Floridas."⁷ But he soon found that he was dealing with a much larger question, and Monroe arrived the same day from America with fresh instructions to aid in its disposition. Napoleon

¹ *Ib.*, 344. ² 8 Garden, 48, S. Doc. 56, 2d Sess. 231 Cong. "His Catholic Majesty will give the necessary orders so that France may occupy Louisiana the moment when His Royal Highness the Duke of Parma shall be put in possession of his new State."

³ 2 F. R. F., 552. ⁴ 8 Garden, 64. "I renounce Louisiana. It is no New Orleans only that I wish to cede; it is all the colony, reserving nothing." ⁵ 8 Garden, 54. ⁶ F. R. F., 162, No. 460. ⁷ 2 F. R. F., 552.

empowered Marbois to negotiate for France, and instructed him to consent to the transfer, provided he could secure 50,000,000 francs. He did secure 80,000,000, twenty millions of which were to be applicable to the extinguishment of claims against France, and sixty millions were payable in cash to France. When it was concluded, Napoleon said: "Cette accession de territoire, affermit pour toujours la puissance des Etats-Unis, et je viens de donner à l'Angleterre un rival maritime, qui tôt ou tard¹ abaissera son orgueil."

Between the conclusion of the two Treaties of 1800 and 1803 a correspondence arose respecting the construction of the former Treaty.² Robert Livingston, the Minister of the United States, complained that the Council of Prizes (which he regarded "as a political board")³ was proceeding in violation of the provisions of the Treaty. On the 26th of January, 1802, he was "almost hopeless" as to the claims.⁴ His anxiety communicated itself to Madison.⁵ The French Court next proposed to meet the French obligations in paper money,⁶ while the appropriations on the American side were payable in coin.⁷ Livingston thought Bonaparte stood in the way, and that, should anything happen to him, France would "very soon be able to look all demands in the face."⁸ Monroe was sent out to aid in the negotiations, with special powers as to New Orleans and the Floridas.⁹ He arrived just in time to find the First Consul bent on parting with Louisiana and settling with the United States. On the 9th of March, 1803, Talleyrand was already giving signs of yielding. He expressed surprise at the amount of the American claims advanced by Livingston, (20,000,000 francs,) but avowed his purpose of paying them, whatever they might be, and asked for a specified statement.¹⁰ An explanation, which may account for part of this, may be found in two dates. The peace of Amiens was signed the 25th of March, 1802; the declaration of the renewal of the war was dated the 18th of May, 1803.

The Convention of 1800, after providing for the restoration of certain captured property, contained a provision that the debts contracted by one of the two nations with individuals of the other should be paid,¹¹ but that this clause should not extend to indemnities claimed on account of captures or condemnations. The Convention of 1803 stipulated that these debts, with interest at six per cent., should not exceed twenty millions of francs.

To entitle a claimant to participate in this fund, it was necessary: 1. That he should be a citizen of the United States who had been, and was at the time of the signing of the Treaty, a creditor of France, and who had no established house of commerce in France, England, or other

¹ 8 Garden, 88. "This accession of territory consolidates forever the power of the United States, and I have just given to England a maritime rival who sooner or later will humble her pride." ² 6 F. R. F., 154-168. ³ *Ib.*, 156. ⁴ *Ib.* ⁵ *Ib.*, 158. ⁶ *Ib.*, 161. ⁷ *Ib.*, 162. ⁸ *Ib.*, 163. ⁹ *Ib.*, 166. ¹⁰ *Ib.*, 167-168. ¹¹ Art. 5.

country than the United States, in partnership with foreigners; 2. That, if the claim were for a debt, it should have been contracted for supplies before the 30th of September, 1800, and should have been claimed of the actual Government of France before the 30th of April, 1803; 3. That, if for prizes, it should not be for a prize whose condemnation had been or should be confirmed; 4. That, if for captures, it should not be a case in which the council of prizes had ordered restitution, or in which the claimant could not have had recourse to the government of the French Republic, or where the captors were sufficient; 5. That it should either be for supplies, for embargoes, or for prizes made at sea, in which the appeal had been properly lodged within the time mentioned in the Convention of 1800.

The distribution of this money gave rise to some sharp correspondence.¹ The claims which were excluded from participation in the distribution have become known as the "French Spoliation Claims." They have been often the subject of Congressional discussion and report.²

The argument by which it is maintained that they should be paid by the United States may be briefly stated thus: (a.) The claims were valid claims against France, because they are founded upon torts committed in violation of the canons of international law, in a time of peace. (b.) The United States relinquished these claims to France upon condition that France should surrender to them its national claims against them for alleged infractions of the Treaties of 1778 and 1788, and should consent to the abrogation of those Treaties. (c.) Therefore, the United States, having appropriated to itself a benefit resulting from the losses of its citizens, should make compensation to the sufferers.

The argument of the other side may be stated thus: (a.) They were the cause of a war between France and the United States, by which they were expunged in the course of the operation of the ordinary rules of international law; but even admitting the contrary, those claims which were not recognized by the Treaty of 1803 could not have been enforced against France without violating established canons of international law. (b.) No bargain was made with France respecting the guarantee. (c.) Therefore, the conclusion which is drawn from that alleged fact is incorrect.

The points in dispute, therefore, relate (1) to the fact whether there was or was not a recognized state of war; (2) whether the relinquishment of the guarantee in the 11th Article of the Treaty of 1778 was an element in the conclusion of the Treaty of 1800; (3) whether that agreement of guarantee had an appreciable money value.

The evidence on these several points is to be found in the documents already referred to.

On the subject of the guarantee it appears that with the exception of

¹ 6 F. R. F., 182-207. ² See particularly 5 F. R. F., 314, 352, and 6 F. R. F., 3-207, 558, 1121, and 8 R. 10, 2d Sess. 41st Cong., and the various authorities there cited; also, among others, an elaborate debate in the Senate, 11 Debates, 2d Sess. 23d Cong.

the statement of Genet, made at his first interview with Jefferson already referred to, and another statement made some months after his recall had been demanded, which was not recognized by his own Government in its subsequent action,¹ the French did not regard it as a matter of consequence until it was brought forward by the American Envoys in 1800; but that the Americans from the beginning regarded it as of great consequence, and that they determined to get rid of it at all events. With regard to the existence of a state of war, the American Attorney-General in 1799, and the French Envoys in 1800, each said that there was a state of war subsisting between the two nations; but on the other hand neither government declared such to be the fact. With regard to the money value, there is correspondence between the Envoys in 1800, which shows the estimate which either side put upon all the engagements which it was proposed to abrogate.²

The course of Napoleon in the subsequent wars of the Empire gave rise to still farther claims. The various and oppressive orders and decrees of Great Britain on the one side and of France on the other, during the wars of Napoleon, will be found in the 3d volume of the Folio Edition of the Foreign Relations, those of Great Britain between pages 263 and 284, and those of France between pages 284 and 292. The Berlin decree will be found on page 289, and the Milan decree on page 290. On the 21st of November, 1806, Napoleon declared the British islands to be in a state of blockade, and interdicted all commerce and correspondence with them. This decree was issued from the Imperial camp at Berlin. On the 7th of January, 1807, it was ordered at a court of the Privy Council, in London, that no vessel should be permitted to trade from one port to another, both ports of which should be in possession of France or her allies. On the 11th of November, 1807, it was further ordered in council, at London, that all French ports should be subject to the same restriction as to trade as if actually blockaded, and that all commerce in articles of French growth or manufacture should be considered unlawful, and that all neutral vessels found carrying French certificates should be deemed lawful prize. Napoleon retorted, on the 17th of December, 1807, by issuing the decree known as the Milan decree, by which it was ordered that all ships which had submitted to be searched by British ships, or had paid a tax to the British Government, should be regarded as denationalized, and as lawful prize; that the British Islands were in a state of blockade, and that vessels proceeding from or sailing to England were lawful prize. Congress met these violations of neutral rights by two acts: (1) The "act laying an embargo on all ships and vessels in the ports and harbors of the United States;"³ (2) The "act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies."⁴ An English writer of authority says of the latter statute, "It conveyed

¹ 1 F. R. F., 246. ² 2 F. R. F., 335. ³ 2 St. at L., 451. ⁴ *Ib.*, 528.

a just and dignified rebuke both to France and England, and it was worthy of the country which has contributed such valuable materials to the edifice of international law."¹

The mercantile marine of the United States suffered greatly from these arbitrary orders and decrees. When peace was restored and a settled government was established in France, the United States made reclamations for these classes of claims.²

France met them by counter claims.³ It was asserted that by the terms of the 8th Article of the Treaty for the cession of Louisiana the ships of France were to be treated upon the footing of the most favored nation in the ports of the ceded country, but that the vessels of England were enjoying favors there which were denied to the vessels of France. The United States replied that the vessels of England enjoyed these additional favors by virtue of a reciprocal agreement, and that there was no such reciprocal agreement with France. The French Minister rejoined that the rights of France were absolute under the Treaty to enjoy the privileges of the most favored nation without an obligation to confer similar privileges on American vessels in the ports of France.⁴

The negotiations on these two points continued for over ten years. The United States struggled to separate them, but France refused to consider the claims apart from the alleged violation of the Treaty of 1803, or to abandon her position respecting that Treaty.⁵ Pending these negotiations the Commercial Treaty of 1822 was concluded.⁶ At length it was agreed to determine both questions in the Treaty of July 4, 1831. France was to pay 25,000,000 francs in full satisfaction of the American claims; the United States were to pay 1,500,000 francs in satisfaction of certain French claims; the United States were to reduce the duties on French wines; and France in consideration of the latter agreement was to relinquish its claims and reclamations respecting the 8th Article of the Treaty of cession of Louisiana.⁷

The ratifications of this Convention were exchanged on the 2d of February, 1832, and on the 13th of the following July Congress passed an Act to carry it into effect.⁸ It provided for a commission to take proof of the claims, and also for the agreed reduction of duties upon the wines of France. Under this commission the claims which had been preferred against the Netherlands as well as some which had been preferred against Naples and Spain⁹ were proved and allowed against France.¹⁰

The first instalment under this Treaty was to be paid at the expiration of one year next following the exchange of the ratifications; that is, it became payable on the 2d day of February, 1833. But no provision

¹ Phillimore on International Law, part ix, ch. 10, sec. 168. ² 5 F. R. F., 17. ³ *Ib.*, 640. ⁴ *Ib.*, 149-213, 640-674. ⁵ *Ib.*, 17, 136, 282, 351, 476; 6 *Ib.*, 384, 613. ⁶ 5 *Ib.*, 149-213. ⁷ H. E. Doc. 147, 2d Sess. 22d Cong. ⁸ 4 St. at L., 574, which was extended June 19, 1834; *ib.*, 679. See also *Ib.*, 778. ⁹ 5 F. R. F., 598-629; 6 *Ib.*, 497-503. ¹⁰ S. E. Doc. 417, 1st Sess. 23d Cong.; H. E. Doc. 117, 1st Sess. 24th Cong.

was made for its payment; and on the 18th of April, 1834, the French Chamber of Deputies, by a vote of 176 to 168, refused to make the appropriations necessary to carry out the provisions of the Treaty.¹ At the opening of the 2d Session of the 23d Congress, (December 1834,) President Jackson, after stating in detail successive neglects of France to make or provide for the payments under this Treaty, said: "The Executive branch of this Government has, as matters stand, exhausted all the authority upon the subject with which it is invested, and which it had any reason to believe could be beneficially employed. The idea of acquiescing in the refusal to execute the Treaty will not, I am confident, be for a moment entertained by any branch of this Government; and further negotiation upon the subject is equally out of the question."² After a discussion in the Senate, in which Clay, Webster, Buchanan, Calhoun, Clayton and others took part,³ it was voted unanimously, "it is inexpedient at present to adopt any legislative measures in regard to the state of affairs between the United States and France."⁴ The President, on the 7th of the following February, transmitted to the House of Representatives further correspondence from Edward Livingston, then Minister at Paris;⁵ and again on the 25th of the same month still further correspondence, by which he said, "it will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his Legation, and return to the United States, if an appropriation for the fulfilment of the Convention shall be refused by the Chambers."⁶ The next day the Committee of Foreign Affairs reported to the House respecting the "Relations with France." There was a majority report and a minority report. Cambreleng presented the former; the latter was signed by Edward Everett, Robt. P. Letcher, and R. Coulter.⁷ Cambreleng opened the discussion on Saturday, the 28th of February, with a short speech. John Quincy Adams followed at length. Archer, Pickens, Cambreleng, Everett, Wise, the best talent of the House, participated in the debate. It closed late at night by the adoption of a resolution that in the opinion of the House the Treaty of July 4th, 1831, should be maintained and its execution insisted on, and that preparations ought to be made for any emergency growing out of our relations with France.⁸

Livingston left Paris under instructions from the President,⁹ and was followed by Barton, whom he had left as *Chargé d'Affaires*.¹⁰ This caused the withdrawal from Washington of Pageot, the French Minister,¹¹ and the complete rupture of diplomatic relations.

On the 8th of February, 1836, the President informed Congress that the mediation of Great Britain had been offered to adjust these differ-

¹ H. E. Doc., 2, 2d Sess. 23d Cong., 543. ² II Debates, part 2, appendix 4, 5. ³ Ib. part 1, 103, 200. ⁴ Ib., 215. ⁵ H. E. Doc. 136, 2d Sess. 23d Cong. ⁶ H. E. Doc. 174, 2d Sess. 23d Cong. ⁷ H. R. 133, 2d Sess. 23d Cong. ⁸ II Debates, part 2, 1633-4; for the debate see 1531-1565, 1570-1634. ⁹ Docs. with President's Message, 1st Sess. 24th Cong. ¹⁰ S. E. Doc. 62, 1st Sess. 24th Cong., No. 5, p. 10. ¹¹ Ib., No. 12, p. 15.

ences.¹ Some of the proceedings which had taken place in the Chamber of Peers in Paris may be found in a message of the 15th of that month.² On the 22d the President was able to announce to Congress that the French Government had determined to execute the Treaty, and that the mediation had therefore become unnecessary.³ The payments of the instalments were duly made. Thenceforward diplomatic relations were resumed, and the last difficulty with France, arising from the wars of Napoleon, disappeared.

The Consular Convention of 1853 gave rise, in 1854, to a serious difference. It is provided in the second article of the Convention that Consuls "shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in court, and, if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings." But the 6th amendment to the Constitution of the United States says that "in all criminal prosecutions the accused shall enjoy the right * * to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor."⁴

In the spring of 1854 the Mexican Consul at San Francisco being under indictment for an offence against the sovereignty of the United States, the prosecuting officer asked to have the evidence of the French Consul at San Francisco taken. The Consul claimed his privilege under the Treaty, and it was allowed. Then the accused claimed his constitutional privilege of a compulsory process to oblige the Consul to appear as a witness in his favor, and it was granted. Thereupon a political correspondence ensued, marked with some warmth on the part of the subordinates, but with good judgment and temperate statements on the part of Mr. Marcy and Mr. Drouyn de Lhuys. It was terminated in August, 1855, by an agreement that "when a French national ship or squadron shall appear in the harbor of San Francisco, the United States authorities there, military or naval, will salute the national flag borne by such ship or squadron, with a national salute, at an hour to be specified and agreed on with the French naval commanding officer present, and the French ship or squadron whose flag is thus saluted will return the salute gun for gun."⁵ And the President, in his message at the opening of the next session of Congress, said, "I announce with much gratification that since the adjournment of the last Congress the question then existing between this Government and that of France, respecting the French Consul at San Francisco, has been satisfactorily determined, and that the relations of the two governments continue to be of the most friendly nature."⁶

¹ H. E. Doc. 103, 1st Sess. 24th Cong. ² S. E. Doc. 161, 1st Sess. 24th Cong. ³ S. E. Doc. 187, 1st Sess. 24th Cong., also H. E. Doc. 116, same Cong. ⁴ 1 St. at L., 21. ⁵ Mason to Marcy, No. 65, Aug. 13, 1855, enclosure, MS. Dept. of State. ⁶ S. E. Doc. 1, 1st Sess. 34th Cong.

Opinions of the Supreme Court of the United States.

The treaty of amity and commerce of 1778 with France, Article 11, enabling French subjects to purchase and hold lands in the United States, being abrogated in 1798; the act of Maryland of 1780, permitting the lands of a French subject who had become a citizen of that State, dying intestate, to descend on the next of kin, being a non-naturalized Frenchman, with a proviso vesting the lands in the State if the French heirs should not within ten years become resident citizens of the State, or convey the lands to a citizen; and the convention of 1800, between France and the United States, enabling the people of one country, holding lands in the other, to dispose of the same by testament, and to inherit lands in the other, without being naturalized: *Held*, that the latter treaty dispensed with the performance of the condition in the act of Maryland, and that the constitutional rule applied equally to the case of those who took by descent under the act, as to those who acquired by purchase without its aid.¹

The further stipulation in the treaty, "that in case the laws of either of the two States should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be," does not affect the rights of a French subject who takes or holds by the convention, so as to deprive him of the power of selling to citizens of the country; and gives to a French subject who has acquired lands by descent or devise, (and, perhaps, in any other manner,) the right during life to sell or otherwise dispose of the same, if lying in a State where lands purchased by an alien, generally, would be immediately escheatable.²

Although the convention of 1800 has expired, yet the instant a descent was cast on a French subject during its continuance, his rights became complete under it, and cannot be affected by its subsequent expiration.³

America was bound as an ally of France by the capitulation between France and Great Britain for the surrender of Dominica.⁴

The *Phœbe Ann*, a British vessel, had been captured by a French privateer and sent into Charleston. Restitution of the prize was claimed by the British consul, who filed a libel in the district court suggesting that the privateer had been illegally fitted out, and had illegally augmented her force within the United States. It appeared in proof that the privateer had originally entered the port of Charleston, armed and commissioned for war; and that she had taken out her guns, masts, and sails, which remained on shore until the general repairs of the vessel were completed, when they were again put on board, with the same force or thereabouts; and on a subsequent cruise the prize was

¹ *Chirac vs. Chirac*, 2 Wheat., 259; 4 Cond. Rep., 111. ² *Ib.* ³ *Ib.* ⁴ *Miller vs. The ship Resolution*, 2 Dall. Rep., 15.

taken. The court held that suggestions of policy and convenience cannot be considered in the judicial determination of a question of right; the treaty with France, whatever that is, must have its effect. By the nineteenth article it is declared that French vessels, whether public and of war, or private and of merchants, may, on any urgent necessity, enter our ports, and be supplied with all things needful for repairs. In the present case the privateer only underwent a repair; and the mere replacement of her force cannot be a material augmentation, even if an augmentation of force could be proven, which we do not decide a sufficient cause of restitution.¹

By the treaty with France of 1778, Articles 17 and 22, the subjects of France had a right to equip and arm their vessels in the ports of the United States, to bring in their prizes and depart with them, without interference by the courts of the United States.²

Under the treaty of 1778, neutral property captured on board an enemy's ship was lawful prize, contrary to the general law of nations.³

The treaty for the cession of Louisiana took effect from its date.⁴

The stipulation for the protection of its inhabitants, in the enjoyment of their property, did not embrace grants by the Spanish authorities, after they had ceased to have power to make such grants.⁵

The stipulation in the treaty for the protection of the inhabitants in their property, &c., ceased to operate when the State of Louisiana was admitted into the Union.⁶

The treaty for the cession of Louisiana protected claimants under the French or Spanish Government to inchoate titles to land.⁷

By the cession of Louisiana, the Government of the United States succeeded to all the rights and interests formerly possessed by those of France and Spain in that province, including reservations of the right to use land when wanted for fortifications.⁸

The treaty of 1853, securing to citizens of France the same rights of succession as are possessed by the citizens of the United States, so far as permitted by the State laws, had no effect on the succession of one who died in 1848.⁹

The treaty ceding Louisiana to the United States could not enlarge the constitutional powers of the latter nor vest in the Government the police powers over public places formerly exercised by the Crown.¹⁰

¹ *Moodie vs. The sloop Phœbe Ann*, 3 Dall. Rep., 319. ² *Bee's Admiralty Reports*, 40, 43. ³ *Bee's Admiralty Reports*, 74. ⁴ *United States vs. Reynes*, 9 Howard, 127; *Davis vs. Parish of Concordia*, *Ibid.*, 280; *United States vs. Pillerin*, 13 Howard, 9. ⁵ *Ib.* ⁶ *New Orleans vs. De Armas*, 9 Peters, 223. ⁷ *Delassars vs. United States*, 9 Peters, 117; *Choteau's heirs vs. United States*, *Ibid.*, 137; *Strother vs. Lucas*, 12 Peters, 410. ⁸ *Josephs vs. United States*, 1 Nott & Huntingdon, 197; same case, 2 Nott & Huntingdon, 586. ⁹ *Prevost vs. Greneaux*, 19 Howard, 1. ¹⁰ *New Orleans vs. United States*, 10 Peters, 662

Opinions of Attorneys-General.

The obligations assumed by the United States under the Treaty of 1800 were the subject of three opinions of Attorney-General Lincoln.¹

GREAT BRITAIN.

On the 30th of November, 1782, John Adams, Benjamin Franklin, John Jay, and Henry Laurens signed at Paris, on behalf of the United States, Provisional Articles of Peace with Great Britain, in the first of which it was asserted that "His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States;" and on the third day of September, 1783, Adams, Franklin, and Jay signed at Paris the Definitive Treaty of Peace between the two Powers. The official correspondence connected with the negotiation of this Treaty has been printed under the care of Mr. Sparks.

It was provided by the 7th article of each Treaty that "His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbor within the same."

But when the British forces were withdrawn from New York, on the 25th of the November following the signature of the definitive Treaty, they took with them, or sent in advance of their withdrawal, 3000 negroes,² in violation of the Treaty; and when Jay was commissioned in 1794 to proceed to London to negotiate the Treaty which bears his name, British troops still occupied Detroit, Mackinaw, Fort Erie, (Buffalo,) Niagara, Oswego, Oswegatchie, Point au Fer, and Dutchman's Point,³ notwithstanding the agreement to evacuate them.

Soon after Washington became President he set about the restoration of good relations between the two countries, by attempting to secure an observance of the Treaty by Great Britain.

"Conceiving that, in the possible event of a refusal of justice on the part of Great Britain, we should stand less committed should it be made to a private rather than to a public person,"⁴ he directed Gouverneur Morris to go to London and to sound the Ministry. Morris did so, and had interviews with the Duke of Leeds and with Pitt. The latter professed a desire to maintain good relations, but wanted a new Treaty.

¹ 1 Opinions, 114, 119, 136. For other opinions see "EXTRADITION," "CONSULS," "EXTRATERRITORIALITY." ² 1 F. R. F., 206. ³ *Ib.*, 190. ⁴ Message, Feb. 14, 1791; 1 F. R. F., 121.

Morris answered that he "did not see what better could be done than to perform the old one," and added: "As to the compensation for negroes taken away, it is too trifling an object for you to dispute, so that nothing remains but the posts. I suppose, therefore, that you wish to retain those posts." Pitt replied: "Why, perhaps we may."¹

Great Britain not being represented at that time in the United States, Morris urged that a Minister should be sent out. They complied with his request, and on the 29th of November, 1791, Jefferson, then Secretary of State, opened with Hammond, the new Minister, formal negotiations to secure the long-delayed performance of the 7th article of the Treaty of 1783.²

On the 30th of November Hammond replied to Jefferson's note thus: "With respect to the non-execution of the seventh article of the definitive Treaty of Peace between His Britannic Majesty and the United States of America, which you have recalled to my attention, it is scarcely necessary for me to remark to you, Sir, that the King, my master, was induced to suspend the execution of that article, on his part, in consequence of the non-compliance, on the part of the United States, with the engagements contained in the fourth, fifth, and sixth articles of the same Treaty. These two objects are, therefore, so materially connected with each other as not to admit of separation, either in the mode of discussing them, or in any subsequent arrangements which may result from that discussion."³

Jefferson met this on the 15th of December, by a note stating briefly the American position as to the British infractions of the Treaty and producing evidence in its support.⁴ This drew from Hammond an elaborate reply on the 5th of March, 1792,⁵ in which he contended (1) that the United States had failed to execute the 4th article of the Treaty, by not preventing the placing of impediments in the way of the recovery, in sterling, of debts due to British subjects; (2) that interest had not been allowed on judgments in favor of British creditors; and (3) that article 5 had not been carried into effect by the United States, inasmuch as confiscated estates had not been restored; and that therefore "the measure that the King has adopted (of delaying his compliance with the 7th article of the Treaty) is perfectly justifiable." To this, Jefferson, on the 29th of May, 1792, replied, (1) that impediments, within the meaning of the Treaty, had not been thrown in the way of the collection of British debts in the United States; (2) that interest is not an integral part of a debt under British and American Law, and therefore it was not embraced in the Treaty; (3) that the United States had only undertaken in the Treaty to recommend the States to restore confiscated estates, and had fully complied with that agreement; and he showed conclusively that it was understood both by the Ministry and by both

¹ *Ib.*, 124. ² *Ib.*, 128 et seq. ³ *Ib.*, 129. ⁴ *Ib.*, 190-193. ⁵ *Ib.*, 193.

Houses of Parliament, when the Treaty was negotiated, that the American Plenipotentiaries not only would not agree to restore the confiscated estates, but expressed the opinion that the States themselves would not restore them, even if recommended by Congress to do so; (4) that the British infractions of the Treaty, so far from being the result of alleged infractions by the United States, preceded them, and were in no way dependent upon them.¹

More than a year elapsed without a reply. Jefferson then, on the 19th of June, 1793, wrote Hammond, asking when one might be expected. "The subject," he said, "was extensive and important, and therefore rendered a certain degree of delay in the reply to be expected. But it has now become such as naturally to generate disquietude. The interests we have in the Western posts, the blood and treasure which their detention costs us daily, cannot but produce a corresponding anxiety on our part."² Hammond replied that as soon as he should receive instructions the reply should be transmitted, and added, "There is one passage in your letter of yesterday, Sir, of which it becomes me to take some notice. The passage I allude to is that wherein you mention 'the blood and treasure which the detention of the Western posts costs the United States daily.' I cannot easily conjecture the motives in which this declaration has originated. After the evidence that this Government has repeatedly received of the strict neutrality observed by the King's Governors of Canada, during the present contest between the United States and the Indians, and of the disposition of those officers to facilitate, as far as may be in their power, any negotiations for peace, I will not for a moment imagine that the expression I have cited was intended to convey the insinuation of their having pursued a different conduct."³

Jefferson made no response to this. In a few months he again asked Hammond whether he was prepared to reply on this subject of the infractions of the Treaty.⁴ No answer was ever made.

In the autumn of 1793 a new question of difference arose. The Admiralty instructions to British ships of War and privateers, issued in June, 1793, ordered the seizure of all neutral vessels laden with corn, flour, or meal, destined for French ports, and of all neutral vessels, except those of Denmark and Sweden, attempting to enter any blockaded port.⁵ As Denmark, Sweden, and the United States were the principal neutral maritime powers, there was no question as to the vessels against which the latter provision was aimed. When complaint was made of the order to seize vessels laden with provisions, it was justified by Great Britain on the assumption that provisions were contraband of war.⁶ Edmund Randolph, Jefferson's successor as Secretary of State, met this by saying: "We have labored to cultivate with the British nation per-

¹ *Ib.*, 201-237. ² *Ib.*, 238. ³ *Ib.* ⁴ *Ib.* ⁵ *Ib.*, 240. ⁶ *Ib.*, also 448-454.

fect harmony. We have not attempted by a revival of maxims which, if ever countenanced, are now antiquated, to blast your agriculture or commerce. To be persuaded, as you wish, that the instructions of the 8th of June, 1793, are in a conciliatory spirit, is impossible. And be assured, Sir, that it is a matter of sincere regret to learn the intention of your Government to adhere to them, notwithstanding our representations, which utter, as we flatter ourselves, the decent but firm language of right."¹

Under such circumstances President Washington, on the 16th of April, 1794, sent a message to the Senate, in which, referring to the "serious aspect of our affairs with Great Britain," he said: "But, as peace ought to be pursued with unremitted zeal, before the last resource, which has so often been the scourge of nations, and cannot fail to check the advancing prosperity of the United States, is contemplated, I have thought proper to nominate, and do hereby nominate, John Jay as Envoy Extraordinary of the United States to His Britannic Majesty."²

The nomination was confirmed by a vote of 18 to 8. Jay's instructions were dated the 6th of May, 1794.³ He sailed from New York on the 12th of the same month.⁴

He had scarcely left the shores of the United States when a new and still more irritating cause of difference arose. Lord Dorchester, the Governor-General of the British possessions in America, in a speech to the Indian tribes which were in hostility with the United States, said: "Children, since my return I find no appearance of a line remains, and, from the manner in which the people of the States push on, and act and talk on this side, and from what I learn of their conduct towards the sea, I shall not be surprised if we are at war with them in the course of the present year; and, if so, a line must then be drawn by the warriors."⁵ Simultaneously with this three companies of a British regiment went to the foot of the rapids of the Miami, in the southern part of what is now the State of Ohio, to build a fort there.⁶ When complaints were made of these hostile acts, the British Minister at Washington justified both as defensible preparations for an actual state of war about to begin between the two nations, and he retorted by complaining of the fitting out of French privateers in American ports, and of the "uniformly unfriendly treatment which His Majesty's ships of war * * experienced in the American ports."⁷ President Washington, in transmitting the correspondence to both Houses of Congress, said: "This new state of things suggests the propriety of placing the United States in a posture of effectual preparation for an event which, notwithstanding the endeavors making to avert it, may, by circumstances beyond our control, be forced upon us."⁸

The Treaty concluded by Jay on the 19th of November, 1794, re-

¹ Ib., 454. ² Ib., 447. ³ Ib., 472. ⁴ 1 Life of Jay, 314. ⁵ 1 F. R. F., 462. ⁶ Ib., 461. ⁷ Ib., 462. ⁸ Ib., 461.

moved or suspended these grave causes of difference. It named a day for the withdrawal of British troops from the territories of the United States. The United States undertook to make compensation to British creditors who had been prevented by "lawful impediments,"¹ in violation of the Treaty of 1783, from the recovery of their debts. Great Britain agreed to make compensation to the merchants and citizens of the United States whose vessels had been illegally captured or condemned. The United States undertook to make compensation to certain British subjects whose vessels or merchandise had been captured within the jurisdiction of the United States and brought into the same; or had been captured by vessels originally armed in the ports of the United States. It was agreed that provisions and other articles not generally contraband of war should not be confiscated if seized, but that the owners should be fully indemnified; and that vessels approaching a blockaded port, in ignorance of the blockade, should not be detained, nor the cargo confiscated unless contraband.

The instructions to Jay embraced many other subjects. How far they were executed, and why he failed to comply with some of them, will appear by reference to the instructions and correspondence which accompanied the President's message of June 8, transmitting the Treaty to the Senate.² The reasons which induced the President and his advisers to assent to it are detailed in a letter from Pickering to Monroe of September 12, 1795.³ This Treaty was the cause of the long and able debates in Congress, which have been referred to in the introductory note. On the 5th of May, 1796, President Washington submitted to the Senate an explanatory article with the reasons which had made it necessary,⁴ and another explanatory article was added in March, 1798.

The appropriations for carrying into effect the Treaty of 1794 were made by Congress on the 6th of May, 1796,⁵ and by Parliament on the 4th of July, 1797.⁶

Two mixed commissions were speedily organized; one in London, and one at Philadelphia.

The latter had jurisdiction of the claims arising from alleged impediments thrown in the way of the collection of debts due British subjects by American debtors. The aggregate of the claims made before this commission was about \$25,000,000. On the 19th of March, 1798, Congress appropriated \$300,000 for the payment of the awards up to that time.⁷ In the summer of the following year the sessions were suspended and were never resumed. The circumstances attending the suspension are related in a letter from Pickering, Secretary of State, to Rufus King, dated September 4, 1799.⁸ "A letter received last evening," he says, "from Mr. Fitzsimmons, informed me that Mr. Macdon-

¹ Art. 6. ² 1 F. R. F., 470-525. ³ *Ib.*, 596. ⁴ *Ib.*, 551. ⁵ 1 St. at L., 459. ⁶ 2 F. R. F., 103. ⁷ 1 St. at L., 545. ⁸ 2 F. R. F., 383.

ald and Mr. Rich, Commissioners appointed by Great Britain, under the sixth article of the Treaty of Amity and Commerce, were going to embark for England in the packet to sail this week from New York. *

* I do not know that this step, if it could be prevented, should be objected to, because I see no probability that the business of the board can ever be executed by the present members. Independently of the opinions strongly expressed, which it would not be easy to retract, there appears to me an *incompatibility of temper*; if I am rightly informed, it would be difficult for any set of American Commissioners to act harmoniously with Mr. Macdonald, unless they possessed such meek and yielding dispositions as to submit implicitly to his dogmas."

On the 31st of December, 1799, King was instructed to endeavor to effect a settlement of this class of claims by Treaty. An account of the details of this delicate negotiation will be found in the second volume of the Folio Edition of the Foreign Relations, pages 382 to 428.¹ The parties succeeded in agreeing upon six hundred thousand pounds sterling as the sum to be paid by the United States in discharge of its obligations in this respect; a convention to that effect was concluded; and, on the 2d of May, 1802, Congress made an appropriation to carry the Convention into effect.

The Commission at London was charged with ascertaining the amount of the claims of British subjects against the United States for injuries received in consequence of the violations of the neutrality of American waters, and of the claims of American citizens on Great Britain for captures made in violation of international law. Many of the latter were disposed of through a preliminary examination made by Sir William Scott, who was acting as counsel for the United States, and Dr. Nicholl, one of the British Commissioners.² Great Britain accepted the results of this examination, and paid the amounts found due.

The Commission itself was organized on the 16th of August, 1796, at the house of Dr. Nicholl, in Lincoln's Inn Fields, Mr. Gore and Mr. Pinckney being the American Commissioners, and Mr. Nicholl and Mr. Anstey the British Commissioners. Being unable to agree upon a fifth Commissioner, the names of Col. Trumbull, of Connecticut, and of Mr. Swabey, of London, were placed in an urn, and Col. Trumbull's name was drawn. Mr. Swabey was afterwards substituted for Dr. Nicholl.

"Repeated objections to the jurisdiction of the Commission having, about the middle of [the following] December, brought the board to a stand;" Rufus King, then Minister at London, asked of Lord Grenville a conference, which took place on the 10th of December.³ King complained that "the Commissioners on the part of His Majesty's Govern-

¹ See particularly pages 424, 425, and 426. ² 2 F. R. F., 120. ³ Mr. King's No. 26, Feb. 20, 1797, MS. Dept. of State. The main difference was respecting the right to revise decisions of the British Admiralty Courts. Lord Loughborough, on being appealed to, said, "it was the intention to clothe this commission with power paramount to all the maritime courts of both nations." (Trumbull's Reminiscences, cited in Lawrence's Wheaton, note 205.

ment had intimated an opinion that it was their duty, in every case in which the King's proctor should deny the jurisdiction of the Board, to abstain from deciding such questions of jurisdiction, and to refer the same to their Government for instructions; and that in case a majority of the Board of Commissioners should differ from them in this opinion it would be lawful for them to withdraw, and thereby incapacitate the Board from deciding such questions."¹

Grenville replied that "the right to withdraw is perhaps countenanced by that part of the 7th Article that required the presence of one Commissioner at least on each side; thus leaving with the respective Governments a power, by instructing their Commissioner to withdraw to prevent the decision of any question not intended to be submitted to them."² Grenville concluded the interview "expressing a wish that Mr. King would have a conference on the subject with the Lord Chancellor."³ Lord Loughborough was at that time Lord Chancellor. King had more than one interview with him. In one of them he reports, "Upon its being suggested that the same embarrassments might arise in future if, upon every objection to the competency of the Commissioners, a reference must be made to the respective Governments for their instructions, instead of such questions being decided by the Commissioners themselves, the Chancellor said that the doubt respecting the authority of the Commissioners to settle their own jurisdiction was absurd; and that they must necessarily decide upon a case's being within or without their competency."⁴ After this Grenville sent for the British Commissioners and told them that it was the opinion of the King's Government that they should proceed in examining and deciding every question that should be brought before them according to the conviction of their consciences.⁵

The Commission went on with its work until June, 1798, when it was again interrupted by a misunderstanding between the Commissioners; but it was not until the 25th of July, 1799, that the proceedings were formally suspended, "by the orders of His Britannic Majesty,"⁶ which were understood to have been given in consequence of the suspension of proceedings in Philadelphia.

Proceedings were resumed on the 15th day of February, 1802,⁷ after the conclusion of the Convention for settling the differences respecting the sixth article of the Treaty of 1794, and were continued until the 24th of February, 1804, when Gore and Pinckney announced that the Commissioners had "closed the Commission after having completely fulfilled the objects of their appointment."⁸

At the time when the proceedings were interrupted in 1798, the American Agent reported to the Secretary of State that "the awards [against

¹ Mr. King's No. 26, Feb. 20, 1797, MS. Dept. of State. ² *Ib.* ³ *Ib.* ⁴ *Ib.* ⁵ *Ib.* ⁶ Gore and Pinckney to Pickering July 25, 1799, MS. Dept. of State. ⁷ Minutes of the Commission. MS. Dept. of State. ⁸ Gore and Pinckney to Madison, February 24, 1804, MS. Dept. of State.

Great Britain] made and completed by the Board of Commissioners, and payable on the 5th instant, amounting to £34,516 16 2½ sterling, have been discharged with cash by this Government: those made by Sir William Scott and Dr. Nicholl on 39 cases for costs and damages, amounting, with interest to the 5th instant, to £24,659 7 1, we daily expect will be paid."¹

The subsequent awards against Great Britain, amounted to £1,225,001-14-10.

The condition of the archives renders it impossible to state with certainty the precise amount of British claims on the United States awarded by the Commission. Various letters of the American Commissioners show awards amounting to \$33,590.60 prior to the suspension; but it is possible that there were other awards, as Congress on the 15th of January, 1798, appropriated \$52,000 to pay the awards made up to that time.² There were forty-two cases pending at the time of the suspension, on seven only of which were adverse awards afterwards rendered, amounting to \$109,833.50. The appropriations for paying these sums will be found in 2 Stat. at Large, pp. 202, 248, 307, and 336.

During the latter part of his mission Rufus King, under instructions was engaged in the negotiation of a Convention for settling the boundaries between the United States and the British possessions in America. In the Convention which was concluded on the 12th of May, 1803, a provision was made (in the 5th article) that the line between the river Mississippi and the Lake of the Woods should be the shortest line which could be drawn between the two points. Before this could be acted on by the Senate, the Treaty for the cession of Louisiana was confirmed, giving to the United States the French rights under the Treaty of Utrecht.³ The Senate therefore advised that the Treaty should be ratified without the fifth article.⁴ Great Britain did not assent to the amendment.

Monroe and Pinckney, the successors of King, signed on the 31st day of December, 1806, at London, a Treaty of Amity and Commerce, the commercial articles of Jay's Treaty being about to expire. Lords Holland and Auckland were the British Plenipotentiaries.⁵ This Treaty was not sent to the Senate for approval, because it contained no abandonment of the claim to impress citizens of the United States.⁶ President Jefferson, in a Message to Congress on the 27th of Oct., 1807, said of

¹ Cabot to Pickering 28 July, 1798, MS. Dept. of State. ² 1 St. at L., 536. ³ "The northern boundary, we have reason to believe, was settled between France and Great Britain by commissioners, appointed under the treaty of Utrecht, who separated the British and French territories, west of the Lake of the Woods, by the 49th degree of latitude." Madison to Livingston, 2 F. R. F., 574. See also Monroe's paper, 3 F. R. F., 97. Madison may have been mistaken in his belief. There is no evidence, either in the French or British archives, of the appointment of a boundary commission under the Treaty of Utrecht; and in a memorial of the Hudson Bay Co., marked as received August 13, 1719, it is stated that "the running of a line betwixt the English and French Territories yet remains to be done." (Mr. Bancroft to Mr. Fish, Sept. 1, 1873, MS. Dept. of State.) ⁴ 2 F. R. F., 584-591. ⁵ 3 F. R. F., 147. ⁶ *Ib.*, 154.

the negotiators that "after long and fruitless endeavors to effect the purposes of their mission, and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration, candidly declaring to the other negotiators, at the same time, that they were acting against their instructions, and that their Government, therefore, could not be pledged for ratification."¹

It is not within the province of this note to treat of the various discussions and acts which followed, embittering the relations between the two Governments. The published correspondence respecting the British claim of a right to impress American seamen, the attack upon the Chesapeake, the orders in council, the seizure and condemnation of American vessels, &c., &c., will be found in the third volume of the folio edition of the "Foreign Relations." The Statutes which were enacted during this period, affecting the relations between the United States and Great Britain, will be found in the second volume of the Statutes at Large.²

On the 1st of June, 1812, President Madison transmitted a confidential message to Congress respecting the relations with Great Britain. It ended without recommending any particular action.³ It was received in each Body with closed doors.⁴ In the House it was considered on the 2d and 3d of June with closed doors. On the 3d, Calhoun, from the Committee on Foreign Relations, to whom it had been referred, reported (the House being in secret session) "that after the experience which the United States have had of the great injustice of the British Government towards them, exemplified by so many acts of violence and oppression, it will be more difficult to justify to the impartial world their patient forbearance, than the measures to which it has become necessary to resort to avenge the wrongs and vindicate the rights and honor of the nation. * The period has now arrived when the United States must support their character and station among the nations of the earth. * More than seven years have elapsed since the commencement of this system of hostile aggressions by the British Government on the rights and interests of the United States. * As early as 1804 the Minister of the United States at London was instructed to invite the British Government to enter into a negotiation on all the points on which a collision might arise between the two countries in the course of the war, and to propose to it an arrangement of their claims on fair and reasonable conditions. The invitation was accepted. * It was at this time, and under these circumstances that an attack was made, by surprise, upon an important branch of the American Commerce. * The commerce on which this attack was so unexpectedly made, was that between the United States and the Colonies of France, Spain, and other enemies of Great Britain. * In May, 1806,

¹ 1 F. R. F., 70. ² Respecting embargoes, pages 451, 453, 473, 490, and 700; respecting the interdiction of intercourse with Great Britain, pages 523, 547, 550, 605, and 651; the declaration of war, 755. ³ 1 Statesman's Manual, 293. ⁴ Annals 1st Sess. 12th Cong., 250 and 1481.

the whole coast of the continent, from the Elbe to Brest, inclusive, was declared to be in a state of blockade. By this act the well-established principles of the law of nations—principles which have served for ages as guides, and fixed the boundary between the rights of belligerents and neutrals—were violated. * The next act of the British Government which claims our attention is the order of council, of January 7, 1807, by which neutral powers are prohibited from trading from one port to another of France or her allies, or any other country with which Great Britain might not freely trade. * We proceed to bring into view the British order in council of November 11, 1807. * By this order all France and her allies, and every other country at war with Great Britain, or with which she was not at war, from which the British flag was excluded, and all the colonies of her enemies, were subjected to the same restrictions as if they were actually blockaded in the most strict and rigorous manner; and all trade in articles, the produce and manufacture of the said countries and colonies, and the vessels engaged in it, were subject to capture and condemnation as lawful prize. * The attempt to dismember our Union, and overthrow our excellent Constitution, by a secret mission, the object of which was to foment discontent and excite insurrection against the constituted authorities and laws of the nation, as lately disclosed by the agent employed in it, affords full proof that there is no bound to the hostility of the British Government against the United States. * The dates of British and French aggressions are well known to the world. Their origin and progress have been marked by too wide and destructive a waste of the property of our fellow-citizens to have been forgotten. The decree of Berlin of November 21, 1806, was the first aggression of France in the present war. Eighteen months had then elapsed after the attack made by Great Britain on our neutral trade with the colonies of France and her allies, and six months from the date of the proclamation of May, 1806. * From this review of the multiplied wrongs of the British Government, since the commencement of the present war, it must be evident to the impartial world that the contest which is now forced on the United States is radically a contest for their sovereignty and independence. * Your Committee recommend an immediate appeal to arms.”¹

The House passed a bill entitled “An act declaring war between Great Britain and her dependencies, and the United States and their territories,” and on the 5th of June transmitted it to the Senate with a request that it might be considered confidentially.² The Senate amended it and passed it as amended on the 17th of June.³ On the 18th of June the House informed the Senate that the amendments were concurred in,⁴ and on the same day the bill was signed by the President and became a law.⁵

¹ 3 F. R. F., 567-570. ² Annals 1st Sess. 12th Cong., 266. ³ *Ib.*, 298. ⁴ *Ib.* ⁵ 2 St. at L., 755.

In the Message to Congress of Nov. 4th, 1812, President Madison says: "Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time, after it was declared, in conveying to the British Government the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification."¹

The communication to Jonathan Russell, the chargé d'affaires in London, to which allusion is thus made, says, "Although there are many just and weighty causes of complaint against Great Britain, you will perceive by the documents transmitted that the orders in Council, and other blockades, illegal according to the principles lately acknowledged, and the impressment of our seamen are considered to be of the highest importance. If the orders in Council are repealed, and no illegal blockades are substituted for them, and orders are given to discontinue the impressment of seamen from our vessels, and to restore those already impressed, there is no reason why hostilities should not immediately cease. Securing these objects you are authorized to stipulate for an armistice."²

The next step taken for the restoration of peace was a proposal for mediation made by the Emperor of Russia, through John Quincy Adams, the Minister of the United States at St. Petersburg, and also through his own Minister at Washington. His offers were accepted by the United States. James Bayard, Gallatin, and John Quincy Adams were on the 15th of April, 1813, instructed to proceed to St. Petersburg. Their elaborate instructions indicated many subjects for consideration in the possible negotiations, but concluded thus: "Your first duty will be to conclude a peace with Great Britain. * You are authorized to do it in case you can obtain a satisfactory stipulation against impressment. * * It is deemed highly important also to obtain a definition of neutral rights, * especially of blockade, * but it is not to be made an indispensable condition of peace."³

On his way to St. Petersburg, Gallatin addressed from Göttenburg a letter to Alexander Baring, of London, to which he received a reply (transmitted by him to Monroe as "semi-official") in which the writer said: "Mediation has been refused, with expressions of our desire to treat separately and directly here, or, if more agreeable to you, at Göttenburg. * * Should you come here you will be received with confidence in your intentions, with great personal respect, and with a determination to come to terms of peace with you, if it be found practicable to do so, consistently with the safety of our maritime power, supposed to be, and which undoubtedly is, involved in this question. * * I must freely confess that, highly as I value a state of peace and harmony with America, I am so sensible of the danger to our naval power from anything like an unrestricted admission of your principles, that I should almost incline to think it safer to consider an American as an

¹ 1 F. R. F., 81. ² Monroe to Russell, June 26, 1812, 3 F. R. F., 585. ³ *Ib.*, 700.

inevitable concomitant of a French war, and to provide for it accordingly.⁷¹

As Baring saw, mediation was declined by Great Britain. The Envoys were received among the Diplomatic Corps at St. Petersburg, but accomplished nothing. Bayard and Gallatin left for London, and the latter received the information that the Senate had declined to approve his nomination on the ground that the duties of the mission were incompatible with those of Secretary of the Treasury, which office he held at that time.

Lord Castlereigh having thus declined the mediation of a third power, wrote to the Department of State suggesting a direct negotiation between the two powers. The suggestion was accepted, and Clay and Jonathan Russell were added to the Commission, and new instructions in the same spirit were issued to the four commissioners on the 28th of January, 1814.² Before they reached Göttenburg, Napoleon had abdicated and the Continental war was over. Clay arrived out in April, and heard on arrival, from Bayard, who was in London, that the change of events might "have an unfavorable influence upon the state of affairs between the United States and Great Britain." Bayard suggested that without delay he should notify the British Government of his appointment, and of his presence at Göttenburg, and that the negotiations should be transferred to some town in Holland.³ Clay replied that the question was a delicate one in view of what had taken place; that he was alone; that a letter from him, therefore, would have but little weight and that he would authorize Bayard to act for him.⁴ Bayard and Gallatin then notified Castlereigh that the Commissioners had all arrived and were prepared to meet whoever might be named Commissioners by the King of Great Britain.⁵

Lord Bathurst replied on behalf of Great Britain that British Commissioners would be appointed to meet the Americans, and suggested that the place of meeting should be changed to Ghent,⁶ to which proposal the Americans acceded.⁷

About the same time Bayard and Gallatin wrote to Monroe that the changed state of affairs would have a serious effect upon the war between Great Britain and the United States; that there was a strong resentment felt against the United States; that it would be difficult to control it; that peace could be had, but that it seemed certain that whatever modification in the practice of impressment might be obtained the point itself would not be conceded.⁸

On the 25th of June, 1814, Monroe instructed the Commissioners that if no stipulation could be obtained from the British Government, either

¹ Alexander Baring to Gallatin, July 22, 1813, MS. Dept. of State. ² 3 F. R. F., 701.
³ Bayard to Clay, April 20, 1814, MS. Dept. of State. ⁴ Clay to Bayard, May 2, 1814, Ib.
⁵ Bayard and Gallatin to Castlereigh, May 13, 1814, Ib. ⁶ Bathurst to Gallatin and Bayard, May 16, 1814, Ib. ⁷ Bayard and Gallatin to Bathurst, May 17, 1814, Ib. ⁸ Bayard and Gallatin to Monroe, May 6, 1814, Ib.

relinquishing the claim to impress from American vessels, or discontinuing the practice, they might concur in an article stipulating that the subject of impressment, together with that of commerce between the two countries, should be referred to a separate negotiation to be undertaken without delay.¹ On the day following these instructions Monroe received Bayard and Gallatin's letter of the 6th of May. On the 27th he instructed the Commissioners that on mature consideration it had been decided that they might omit any stipulation on the subject of impressment, if found indispensably necessary to terminate the war.²

By the 11th of July the American Commissioners had notified the Secretary of State that they were at Ghent. The first conference was held on the 8th of August. The course which the negotiations took may be found detailed in *Foreign Relations*, Folio, vol. 3, pages 695-748, and vol. 4, pages 808-811. The British Commissioners brought forward (1) Impressment; (2) Pacification of the Indians and assignment of a territory to them to be taken from the territories of the United States, with defined boundaries; (3) Revision of the boundary-line between the United States and Great Britain, including the control of the Lakes by Great Britain; (4) The Fisheries, which the Americans were not to be permitted to enjoy without an equivalent. The American Commissioners brought forward—(5) Definition of a blockade; (6) Claims for indemnity for capture and seizure; (7) Other points, the right to present which were reserved.

On the 4th of October the Secretary of State sent his last instructions to the Commissioners: "You are authorized, should you find it impracticable to make an arrangement more conformable to the instructions originally given, to agree to the *status quo ante bellum* as the basis of negotiation. The great and unforeseen change of circumstances, particularly the prospect of a more durable state of peace between Great Britain and the Continental Powers of Europe, and of security to our maritime rights, justify this change of our ultimatum. Our right to the fisheries to the full extent of our territory as defined by the Treaty of 1783 with Great Britain, and those of subsequent date with other powers, and to trade with all other independent nations, are, of course, not to be relinquished; nor is anything to be done which would give a sanction to the British claim of impressment on board our vessels, or to that of blockading without the actual application of an adequate force. With these explanations you are at liberty to make such a Treaty as your own judgments shall approve, under existing circumstances, subject only to the usual requisite of ratification here. It is important to the United States to make peace, but it is more important to them to preserve their rights as an independent nation, which will in no event be surrendered."³

Under these instructions the Treaty was concluded on the 24th day of December, 1814.

¹ 3 F. R. F., 703. ² *Ib.*, 704. ³ MS. Department of State.

John Quincy Adams was appointed Minister at London on the 28th of February, 1815. Clay and Gallatin also went there, and negotiations were opened for a Commercial Convention. The official conferences began on the 18th of May, 1815.¹ Napoleon having meanwhile returned from Elba, the American Commissioners endeavored to take advantage of the situation to secure stipulations respecting impressment and a definition of blockades.² The discussions were prolonged until after the battle of Waterloo. No such provisions were obtained. The debates in Congress on this Treaty have been referred to in the Introductory Note. Discriminating duties collected on British vessels, after it went into operation, and in violation of its provisions, were refunded under an act of Congress.³

Among the subjects discussed by the Commissioners at Ghent was the naval force to be maintained on the Lakes. No determination was come to; but soon after the peace a correspondence began which ended by an agreement respecting it made in Washington, which was submitted to the Senate for approval, and, when approved, was proclaimed by the President.⁴

Some steps were taken in the Treaty of Ghent toward adjusting the disputed boundary between the United States and the British possessions.

The fourth article provided for a Commission to determine the sovereignty over the Islands in and near Passamaquoddy Bay. The execution of this provision and the correspondence relating to it will be found in volume 4 Foreign Relations, Folio, pages 171-173.

The fifth article provided for a Commission to determine and to mark the boundary from the source of the St. Croix to the river St. Lawrence, [called the Iroquois or Cataraguy,] on the 45th parallel. This was the disputed line which Mr. King's treaty aimed to settle in 1803. The Treaty of 1783 required it to be run on the Highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean. Great Britain contended that it should be run upon the Highlands to the south of the St. John's; but that line of Highlands turned no water into the St. Lawrence. The United States contended that it should be run on the Highlands to the North of that river—that being the only water-shed that turned its northern waters into the St. Lawrence, and its southern waters into the Atlantic, although through the Bay of Fundy. The Commission under the Treaty of Ghent disagreed in opinion and made separate reports to their Governments.⁵ The subject, which afterwards became known, diplomatically, as the Northeastern Boundary Question, was, in 1827, referred to the decision of the King of the Netherlands;⁶ but his award was satisfactory to neither party, and was rejected by both. Negotiations were from time to time resumed, but they proved fruitless.

¹ 4 F. R. F., 8. ² *Ib.*, 9. ³ 3 St. at L., 377. ⁴ 4 F. R. F., 202-207. ⁵ 5 F. R. F., 138-9. ⁶ 6 F. R. F., 643.

until the Treaty of 1842, when by mutual consent the present line was established. For a complete review of the negotiations see Mr. Webster's speech in the Senate, April 6 and 7, 1846, and the messages and correspondence there referred to.¹

The sixth and seventh articles of the Treaty of Ghent provided for a Commission to determine and mark the boundary from the 45th parallel on the St. Lawrence to the northwesternmost point of the Lake of the Woods. This Commission was duly appointed, and in 1822 reported its work respecting so much of the boundary as was referred to in the 6th article, viz, from the 45th parallel on the St. Lawrence to the water communication between Lake Huron and Lake Superior.² The line indicated by the seventh article was affected by the provisions of the second article of the Convention of 1818. This was also marked; but the line as marked was changed in part by the provisions of the second article of the Treaty of 1842.

The rights of the United States in the British fisheries were not referred to in the Treaty of Ghent, and a controversy speedily arose on the British claim to exclude American fishermen from the inshore fisheries. The diplomatic circumstances which led to the conclusion of that part of the Convention of 1818 which relates to the fisheries have been referred to in the Introductory Note. The correspondence relating to it will be found in the 4th volume of the *Folio Foreign Relations*, pages 348-407. See, also, the papers submitted to the Senate with the Treaty of 1871, pages 35-50.³ The subject has been often discussed in Congress. The debate in the Senate in the year 1852 presents a thorough discussion of the merits.⁴

It was contended by the United States, and denied by Great Britain, that the provisions of the first article of the Treaty of Ghent required the latter to make restitution or compensation for slaves who, at the date of the ratification, were in any place that was to be restored to the United States, and who were not delivered up with the territory. The parties being unable to agree, it was provided in the Convention of 1818 that this question should be referred to some friendly sovereign or State; and in 1822 it was referred to the decision of the Emperor of Russia, who rendered an award in favor of the United States.⁵ A joint commission was then appointed to ascertain the claimants and the amount of their claims under this award.⁶ Langdon Cheves was the American Commissioner, George Jackson the British. Their proceedings, which commenced August 25, 1823, were terminated in December, 1825, by "a most extraordinary refusal of Mr. Jackson to execute the 5th article of the Convention. * * This malformation of the Tribunal could only have been remedied by a spirit of mutual concession and accommoda-

¹ Webster's Works, 78; Appendix to Globe, 1st Sess. 29th Cong., 524-537. ² 5 F. R. F., 241-245. ³ S. Conf. E. Doc. A, Spec. Sess. ⁴ Globe, 1st Sess. 32d Cong. ⁵ 4 F. R. F., 106-126; correspondence accompanying the Convention of 1818. *Ib.*, 348. ⁶ 5 F. R. F., 214. ⁷ 5 F. R. F., 801.

tion between its component members. Such a spirit has, unfortunately, not been evinced in the course of its proceedings by Mr. Jackson.¹ The whole question was settled by the two Governments by a Convention on the 13th November, 1826, providing for the payment of an agreed sum.²

The undetermined boundary-line between the old province of Louisiana and the British-American possessions, the provisions concerning which defeated Rufus King's Treaty of 1803, presented itself again after the peace of 1814.³ It was settled, temporarily, in the Treaty of 1818, by agreeing that the 49th parallel should be the boundary from the Lake of the Woods to the Rocky Mountains, and that the territory west of the Rocky Mountains should be occupied jointly for the term of ten years. Fort George, on the Columbia River, which had been withheld from the United States, in admitted violation of the provisions of the Treaty of Ghent,⁴ was only then formally restored to them.⁵

Negotiations were opened at London in 1823, on the motion of the United States, for settling this boundary, but they came "to a close * without any treaty or other engagement having been concluded."⁶ The British Plenipotentiaries proposed "the 49th parallel to the point where it strikes the northernmost branch of the Columbia and thence down along the middle of the Columbia to the Pacific Ocean." Rush, on his own motion, refused this, and proposed the 49th parallel to the Pacific. The British Plenipotentiaries rejected this and made no new proposal in return.⁷

In 1826 negotiations were resumed on the suggestions of the British Government. Canning inquired of Rufus King, then Minister at London, whether he was provided with instructions for their resumption.⁸ King, who was about leaving London, answered that he had been awaiting special instructions, and transmitted the correspondence to Washington.⁹ Clay, then Secretary State, instructed Gallatin, King's successor, that the President could not consent that the boundary should be south of 49°. Gallatin attempted to conclude a convention on that basis,¹⁰ but the attempt proved fruitless, and the negotiations terminated August 6, 1827, by an indefinite extension of the joint occupation, subject to its termination on twelve months' notice by either party.¹¹

This state of things was ended by the passage of a resolution in Congress, April 27, 1846, authorizing the President, "at his discretion, to give to the Government of Great Britain the notice required * * * for the abrogation of the Convention."¹²

On the 15th of the following June a Treaty was concluded at Washington, in which it was provided that the 49th parallel should be the boundary "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of said channel and of Fuca's Straits, to the Pacific Ocean." The debates

¹ 6 F. R. F., 339; see, also, 5 F. R. F., 801. ² 6 F. R. F., 339-355. ³ 4 F. R. F., 851-864. ⁴ Rush to John Quincy Adams, *ib.*, 853. ⁵ *ib.*, 856. ⁶ 5 F. R. F., 533, No. 10. ⁷ *Ibid.*, 557. ⁸ 6 F. R. F., 645. ⁹ MS. Dept. of State. ¹⁰ See 6 F. R. F., 646-706, for the details. ¹¹ *ib.*, 641. ¹² 9 Stat. at L., 109-10.

in Congress on these subjects will be found in the *Globe* and Appendix for the 1st Sess. 29th Cong. The motives and purposes of the United States in making this settlement are set forth in the confidential document already referred to, submitted to the Senate with the Treaty of 1871. They were "so far to depart from the 49th parallel as to leave the whole of Quadra and Vancouver's Island to England."¹ What the British Ministry intended, was stated by Sir Robert Peel in the House of Commons on the 26th of June, 1846. "That which we proposed is the continuation of the 49th parallel of latitude till it strikes the Straits of Fuca; that that parallel should not be continued as a boundary across Vancouver's Island, thus depriving us of a part of Vancouver's Island, but that the middle of the channel shall be the future boundary, thus leaving us in possession of the whole of Vancouver's Island."² It is difficult to see the difference between these two propositions. Lord Palmerston, however, laid claim to run the boundary through the Rosario Straits, and to embrace within British sovereignty an archipelago of islands, instead of Vancouver's Island only. The question remained open until it was settled by a provision in the Treaty of 1871, referring it to the Emperor of Germany to decide whether the Rosario Straits or the Canal de Haro was the channel through the middle of which the line should be run according to the true interpretation of the Treaty of 1846. The decision was in favor of the Haro Channel and of the claims of the United States.³

In the year 1827 the Commercial Convention of 1815, which had been renewed and extended in 1818, was again renewed. The United States struggled for more liberal agreements and for a more liberal interpretation of the existing agreement, but could secure neither.⁴

Ineffectual efforts were also made on both sides for the conclusion of a Treaty for the suppression of the African Slave-Trade. The Constitutional assent of the Senate could not be obtained to a provision authorizing a search of American vessels off the coasts of the United States.⁵ No treaty arrangement was come to on this subject until the Treaty of 1842, negotiated by Mr. Webster and Lord Ashburton, which has already been referred to in connection with the northeastern and northern boundaries, and in the introductory note in connection with extradition. The United States has also made like ineffectual efforts to secure a treaty for the mutual surrender of fugitive slaves.⁶ The debates in Congress on the Treaty of 1842 have already been referred to; the correspondence connected with it will be found in H. Ex. Doc. No. 2, 3d Session 27th Cong.

The acquisition of California, the easiest approaches to which, at that time, were through the various isthmus passages from Tehuantepec to

¹ S. Conf., Ex. Doc. A, Spec. Sess. 1871, 79. ² 87 Hansard, 1051. ³ 5 Pap. rel. Fr. W. ⁴ 4 F. R. F., 869; 5 F. R. F., 1, 12, 23, 224, 510; 6 F. R. F., 207, 294, 295, 382, 639. ⁵ 4 F. R. F., 740; 5 F. R. F., 69, 77, 90, 140, 315-347, 359, 629, 782. See Lawrence's Wheaton, note 31, for a sketch of these negotiations. ⁶ Law. Wheaton, note 77, page 243.

Darien, raised new questions with Great Britain. It was supposed that the most practicable route for a ship-canal was through the State of Nicaragua, by way of the San Juan River and the lakes through which it passes. The eastern coast of Nicaragua was occupied by a tribe called the Mosquito Indians, and Lord Palmerston officially informed Abbott Lawrence, the American Minister at London, on the 13th of November, 1849, that "a close political connection had existed between the Crown of Great Britain and the State and Territory of Mosquito for a period of about two centuries."¹ This connection was asserted to have been founded on an alleged submission by the Mosquito King to the Governor of Jamaica. The investigations made under Lawrence's directions enabled the United States not only to deny that, by public law, Indians could transfer sovereignty in the manner alleged, but also to show by contemporary evidence that no such transfer had been made. He quoted Sir Hans Sloane's account of the matter: "One King Jeremy came from the Mosquitoes, (an Indian people near the provinces of *Nicaragua*, *Honduras*, and *Costa Rica*;) he pretended to be a king there, and came from the others of his country to beg of the Duke of Albermarle, Governor of Jamaica, his *protection*, and that he would send a governor thither with a power to war on the *Spaniards* and pirates. This he alleged to be due to his country from the Crown of *England*, who had in the reign of King *Charles I* submitted itself to him. The Duke of *Albermarle* did nothing in this matter."² And from another publication, reprinted in Churchill's *Voyages*, Lawrence was able to give an account of the original alleged submission in the time of Charles I: "He, the King, says that his father, Oldman, King of the Mosquito men, was carried over to England soon after the conquest of Jamaica, and there received from his brother King a crown and commission, which the present old *Jeremy* still keeps safely by him, which is but a cocked hat and a ridiculous piece of writing that he should kindly use and release such straggling Englishmen as should choose to come that way, with plantains, fish, turtle, &c."³

On the day that this despatch was sent from London, the Clayton-Bulwer Treaty was concluded at Washington. The tentative proposal for it came from the United States.⁴ It was stated after its conclusion that it was understood that it did not include British Honduras,⁵ but there was no contemporaneous statement to show the limits of British Honduras at that time. This Treaty has since been the subject of some discussion between the two Governments.⁶

In 1853 a convention was concluded for the adjustment of claims. The commission sat in London, and took jurisdiction of many claims, involving among them the right of visit and search on the high seas, the construction of the Convention of 1818 relating to the fisheries, the

¹ S. E. Doc. 27, 2d Sess. 32d Cong., 46. ² *Ib.*, 90. ³ *Ib.*, 91-2. ⁴ *Ib.*, 54. ⁵ S. E. Doc. 12, 2d Sess. 32d Cong. ⁶ S. E. Doc. 1, 1st Sess. 34th Cong., et seq.

obligation to restore vessels captured after the period named in the Treaty of Ghent for the cessation of acts of war, &c., &c. These decisions were printed in Senate Ex. Doc. No. 103, 1st Sess. 34th Cong.

A reference to the circumstances connected with the conclusion of the reciprocity Treaty of 1854, and of its abrogation, will be found in the confidential document submitted to the Senate with the Treaty of 1871.¹

The later Treaties respecting the slave-trade have already been referred to.

No correspondence was transmitted to Congress with the Naturalization Treaty of 1870, or with the supplemental Treaty of 1871.

The course pursued by Great Britain during the late Insurrection raised many questions between the two governments, some of which were grave and threatening.

The hasty recognition of a state of belligerence, and the simultaneous steps taken to secure the adhesion of the insurgents as a belligerent power to a part of the declarations of the Congress of Paris, gave great umbrage to the United States. The correspondence on this subject is collected in the seven volumes of papers respecting the claims against Great Britain, which were presented to the Tribunal of Arbitration at Geneva with the Case of the United States.

The injuries to the commerce of the United States by the cruisers which had been constructed, equipped, armed, manned, or augmented in force or supplies within British jurisdiction, were the cause of further complaints and of further recommendations. At the close of the war the United States made a formal demand for compensation for the national losses, and for the losses to individuals from these causes, and proposed an arbitration.²

Lord Russell replied respecting the national losses, "that if the liability of neutral nations were stretched thus far, this pretension, new to the law of nations, would be most burdensome, and indeed most dangerous. A maritime nation, whose people occupy themselves in constructing ships, and cannon, and arms, might be made responsible for the whole damages of a war in which that nation had taken no part."³ Respecting the individual losses, he said that "Her Majesty's Government must * * decline either to make reparation and compensation for the captures made by the Alabama, or to refer the question to any foreign state."⁴ Subsequently a convention was signed for a reference of these claims to arbitration,⁵ but it failed to meet the approbation of the Senate. The only speech made in the Senate on the subject which has been printed, (Mr. Sumner's) may be found in the Globe, 1st Sess. 41st Cong., Appendix, page 21. The British Minister at Washington informed his Government of the rejection of this Treaty with the following

¹ S. Conf. E. Doc. A, Spec. Sess. 1871, 57-74. ² S. E. Doc. 11, 1st Sess. 41st Cong. part 1, 290, and part 3, 522. ³ *Ib.*, part 3, 561. ⁴ *Ib.*, 563. ⁵ See 3 Pap. rel. Tr. W., 191-194, for a sketch of the negotiations.

comments: "The sum of Mr. Sumner's assertions is that England * * is responsible for the property destroyed by the Alabama, and other Confederate cruisers, and even for the remote damage to American shipping interests, including the increase of the rate of insurance; that the Confederates were so much assisted by being able to get arms and ammunition from England, and so much encouraged by the Queen's proclamation, that the war lasted much longer than it would otherwise have done, and that we ought, therefore, to pay imaginary additional expenses imposed upon the United States by the prolongation of the war."¹

Mr. Fish, when he became Secretary of State, hastened to say to Mr. Motley, the United States Minister at London, that "the President recognizes the right of every power, when a civil conflict has arisen within another state, and has attained a sufficient complexity, magnitude, and completeness, to define its own relations and those of its citizens and subjects toward the parties to the conflict," and that the President regarded the concession of the rights of belligerence to the insurgents "as a part of the case only so far as it shows the beginning and animus of that course of conduct which resulted so disastrously to the United States."

Great Britain accepted this basis for the resumption of negotiations; and a Treaty was signed on the 8th of May, 1871, for the reference to a Tribunal of Arbitration, to be convened at Geneva, of all the said claims growing out of acts committed by the aforesaid vessels, and generically known as the "Alabama claims." This Tribunal was empowered to determine whether Great Britain had failed to fulfil any of its duties in respect of the subject of Arbitration as set forth in the Treaty; and in case it should so find, then it was further empowered to proceed to award a sum in gross to be paid to the United States for all the claims referred to it.

On the organization of the Tribunal at Geneva the United States preferred their claims, with a statement of the grounds on which indemnity was asked. The main points taken upon one side and the other are stated under the title "*Neutrals*," post.

The views respecting the animus of Great Britain during the insurrection, which Mr. Fish had announced his purpose of presenting for the consideration of any Tribunal which might be agreed upon to inquire into the subject, were elaborated and made the basis to support the whole claim for compensation. It was contended upon the other side, as will be seen by reference to the title "*Neutrals*," that the Tribunal should assume that Great Britain had exercised its powers, during the insurrection, with good faith and reasonable care, until the assumption should be "displaced by proof to the contrary" presented on behalf of the United States.

In the proceedings which followed, the United States demanded com-

¹ S. E. Doc. 11, 1st Sess. 41st Cong., part 3, 784. ² S. E. Doc. 10, 2d Sess. 41st Cong., 4.

compensation for the following classes of losses and expenditures, so far as they grew out of the acts of the cruisers, viz: 1. "Direct losses growing out of the destruction of vessels and their cargoes." 2. "The national expenditures in the pursuit of those cruisers." 3. "The loss in the transfer of the American Commercial Marine to the British flag." 4. "The enhanced payments of insurance." 5. "The prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion."¹ It was denied by Great Britain that a submission of all the claims to arbitration, carried with it the right of the arbitrators to take into consideration all the elements of loss, and it was insisted that the Tribunal had no right, under the terms of the Treaty, to take classes three, four, and five into consideration in its estimate of damages.² The United States denied this proposition, and contended that the Tribunal was invested with power to decide the question of the extent of its jurisdiction.³ The Tribunal, without deciding the question, held that "these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the Tribunal, in making its award, even if there were no disagreement between the two Governments as to the competency of the Tribunal to decide thereon."⁴ And in regard to the second of the above items of loss, the Tribunal, in its award, decided thus: "Whereas, so far as relates to the particulars of the indemnity claimed by the United States, the costs of pursuit of the Confederate cruisers are not, in the judgment of the Tribunal, properly distinguishable from the general expenses of the war, carried on by the United States: The Tribunal is therefore of opinion, by a majority of three to two voices that there is no ground for awarding to the United States any sum by way of indemnity under this head."⁵ The Tribunal awarded to the United States the sum of fifteen and one-half millions of dollars in full satisfaction of the claims referred to it.

Under the same Treaty a commission was organized at Washington to adjudicate upon private claims of citizens of each against the other power arising out of acts committed against the persons or property of their citizens during a period which was assumed to be the period of the existence of the insurrection. The language of the submission in the Treaty was selected by the negotiators with the object of excluding from the consideration of the Arbitrators a class of claims known as the Confederate cotton-debt, which the Secretary of State informed the British Minister that the United States would not consent to refer. Such claims were, however, presented before the Commission by the British

¹ 1 Pap. rel. Tr. W., 185. ² *Ib.*, 425-588. ³ The opinion of Lord Loughbrough, already referred to, respecting the powers of the Commissioners under the 7th Article of Jay's Treaty, would seem to be conclusive on this point. See also Lawrence's note on Wheaton, No. 206, p. 680. ⁴ 4 Pap. rel. Tr. W., 20. ⁵ *Ib.*, 53.

Agent. The United States made political representations against this infraction of the Treaty, and, pending a discussion upon it, the Commissioners disposed of the question by deciding against the claims on their merits.

The disputes respecting the construction of the Convention of 1818 and the fisheries were set at rest in this Treaty for twelve years by granting the American market free of duty to the Canadian fishermen, with an arbitration to determine whether any further compensation ought to be made. The navigation of the St. Lawrence, concerning which there had been much correspondence,¹ was given to the United States for an equivalent in Alaska; arrangements were made for commercial intercourse with Canada; and the adjustment was made of the Northwestern boundary already referred to. The act to carry into effect this provision of the Treaty was passed on the 1st of March, 1873. This comprehensive settlement left no political questions at issue between the two governments.

Opinions of Attorneys-General.

The term "prosecution" in the 6th Article of "Jay's Treaty" "imports a suit against another in a *criminal* cause."²

The authority of the Commissioners appointed under the 5th Article of that Treaty cannot be executed by a majority of them.³

The United States are not required by the Treaty of Commerce of 1815 to protect property in slaves.⁴

In the discussions attending the Treaty of 1842, Attorney-General Legaré was requested by the Secretary of State to take part in the discussion, and sent to Lord Ashburton an official memorandum concerning the case of the "Creole."⁵

There is nothing in the Clayton-Bulwer Treaty which forbids either party to intervene by alliances, influences, or even arms, in the affairs of Central America.⁶

Decisions of the courts of the United States.

The fifth article of the treaty of peace of 1783 applies to those cases where an actual confiscation has taken place, and stipulates that in such cases the interest of all persons having a lien upon such lands shall be preserved. That clause of the treaty preserved the lien of a mortgagee of confiscated lands which at the time of the treaty remained unsold.⁷

The treaties with Great Britain of 1783 and 1794 only provide for titles existing at the time those treaties were made, and not for titles subsequently acquired. Actual possession of property is not necessary to give the party the benefit of the treaty.⁸

¹ 5 F. R. F., 543, 571; 6 F. R. F., 757; President's Message, 1870. ² 1 Op. At.-Gen., 51, Bradford. ³ *Ib.*, 66, Lee. ⁴ 2 Op. At.-Gen., 475, Taney. ⁵ 4 Op. At.-Gen., 98, Legaré. ⁶ 8 Op. At.-Gen., 436, Cushing. ⁷ *Higginson v. Mein*, 4 Cranch, 415. ⁸ *Blight's Lessee v. Rochester*, 7 Wheat., 535.

Where J. D., an alien and British subject, came into the United States subsequent to the treaty of 1783, and, before the treaty of 1794 was signed, died seized of lands, it was held that the title of his heirs to the land was not protected by the treaty of 1794.¹

Thomas Scott, a native of South Carolina, died in 1782, intestate, seized of land on James Island, having two daughters, Ann and Sarah, both born in South Carolina before the Declaration of Independence. Sarah married D. P., a citizen of South Carolina, and died in 1802, entitled to one-half the estate. The British took possession of James Island and Charleston in February and May, 1780; and in 1781 Ann Scott married Joseph Shanks, a British officer, and at the evacuation of Charleston in 1782 she went to England with her husband, where she remained until her death in 1801. She left five children, born in England. They claimed the other moiety of the real estate of Thomas Scott, in right of their mother, under the ninth article of the treaty of peace between this country and Great Britain of the 19th of November, 1794. *Held*, that they were entitled to recover and hold the same.²

All British-born subjects whose allegiance Great Britain has never renounced ought, upon general principles of interpretation, to be held within the intent, as they certainly are within the words, of the treaty of 1794.³

The treaty of 1783 acted upon the state of things as it existed at that period. It took the actual state of things as its basis. All those, whether natives or otherwise, who then adhered to the American States were virtually absolved from all allegiance to the British Crown; all those who then adhered to the British Crown were deemed and held subjects of that Crown. The treaty of peace was a treaty operating between States and the inhabitants thereof.⁴

The several States which compose this Union, so far, at least, as regarded their municipal regulations, became entitled from the time when they declared themselves independent to all the rights and powers of sovereign States, and did not derive them from concessions of the British King. The treaty of peace contains a recognition of the independence of these States, not a grant of it. The laws of the several State governments passed after the Declaration of Independence were the laws of sovereign States, and as such were obligatory upon the people of each State.⁵

The property of British corporations in this country is protected by the sixth article of the treaty of peace of 1783, in the same manner as those of natural persons, and their title, thus perfected, is confirmed by the ninth article of the treaty of 1794, so that it could not be forfeited by any intermediate legislative act or other proceeding for the defect of alienage.⁶

¹ *Ib.* ² *Shanks et al. v. Dupont et al.*, 3 Peters, 242. ³ *Ib.*, 250. ⁴ *Ib.*, 274. ⁵ *M'Ilvaine v. Coxe's Lessee*, 4 Cranch, 209. ⁶ *The Society for Propagating the Gospel, &c., v. New Haven*, 8 Wheat., 464.

The treaty of peace between the United States and Great Britain prevents the operation of the act of limitations of Virginia upon British debts contracted before that treaty.¹

The treaty of peace of 1783 between the United States and Great Britain was a mere recognition of pre-existing rights as to territory, and no territory was thereby acquired by way of cession from Great Britain.²

The act of the legislature of Virginia of 1799, entitled "An act concerning escheats and forfeitures from British subjects," and under which a debtor to a subject of Great Britain had, in conformity to the provisions of that law, during the war paid into the loan-office of the State a portion of the debt due by him, did not operate to protect the debtor from a suit for such debt after the treaty of peace in 1783. The statute of Virginia, if it was valid and the legislature could pass such a law, was annulled by the fourth article of the treaty; and, under this article, suits for the recovery of debts so due might be maintained, the provisions of the Virginia law to the contrary notwithstanding.³

Debts due in the United States to British subjects before the war of the Revolution, though sequestered or paid into the State treasuries, revived by the treaty of peace of 1783, and the creditors are entitled to recover them from the original debtors.⁴

G. C., born in the colony of New York, went to England in 1738, where he resided until his decease; and being seized of lands in New York, he, on the 30th of November, 1776, in England, devised the same to the defendant and E. C. as tenants in common, and died so seized on the 10th of December, 1776. The defendant and E. C. having entered and become possessed, E. C., on the 3d December, 1791, bargained and sold to the defendant all his interest. The defendant and E. C. were both born in England long before the Revolution. On the 22d March, 1791, the legislature of New York passed an act to enable the defendant to purchase lands and to hold all other lands which he might then be entitled to within the State, by purchase or descent, in fee-simple, and to sell and dispose of the same, in the same manner as any natural-born citizen might do. The treaty between the United States and Great Britain of 1794 contains the following provision: "Article IX. It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein, and may grant, sell or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as respects the said lands and the legal remedies incident thereto, be considered as aliens." The defendant, at the time of the

¹ *Hopkirk v. Bell*, 3 Cranch, 454. ² *Harcourt et al. v. Gaillard*, 12 Wheat., 523.
³ *Ware v. Hylton*, 3 Dall., 199. ⁴ *Georgia v. Brailsford*, 3 Dall., 1.

action brought, still continued to be a British subject. *Held*, that he was entitled to hold the lands so devised to him by G. C. and transferred to him by E. C.¹

By the treaty of 1783 the United States succeeded to all the rights that existed in the King of France in that part of Canada which now forms the State of Michigan prior to its conquest by Great Britain in 1750, and among them that of dealing with seigniorial estates for a forfeiture for non-fulfilment of the conditions of the fief.²

Lands granted by the acts of March 3, 1807, in fulfilment of the second article of the treaty of 1794, were not donations.³

The reciprocity treaty of 1854 did not release a forfeiture previously incurred.⁴

There is nothing in the treaties with Great Britain which gives a British merchant resident in a port of the seceded States during the war an immunity from the general principles of public law applicable to resident neutral merchants.⁵

GREECE.

The war of the Greeks for independence early attracted attention in this country. Mr. Dwight, of Massachusetts, on the 24th of December, 1822, presented to the House a memorial in their favor.⁶ The sentiment of the House was against meddling with the subject, and the memorial was ordered to lie on the table.

Early in the next session (Dec. 8, 1823) Mr. Webster submitted to the House a resolution that provision ought to be made by law for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the President shall deem it expedient to make such appointment.⁷ On the 19th of the same month the House requested the President to lay before it any information he might have received, and which he might deem it improper to communicate, respecting the condition and future prospects of the Greeks.⁸

On the 29th a memorial was presented from citizens of New York, requesting the recognition of the independence of Greece.⁹ On the 31st the President transmitted the desired information to Congress.¹⁰ On the 2d of January, 1824, Mr. Poinsett laid before the House a resolution of the General Assembly of South Carolina that that State would hail with pleasure the recognition by the American Government of the independence of Greece.¹¹ On the 5th Webster presented a memorial

¹ New York v. Clarke, 3 Wheat., 1. ² United States v. Repentigny, 5 Wallace, 211. ³ Forsyth v. Reynolds, 15 Howard, 358. ⁴ Pine Lumber, 4 Blatchford's Circuit Court Reports. ⁵ The Sarah Starr, Blatchford's Prize Cases, 69. ⁶ Annals 2d Sess. 17th Cong., 457. ⁷ Annals 1st Sess. 18th Cong. 805. ⁸ *Ib.*, 843, 847. ⁹ *Ib.*, 889. ¹⁰ *Ib.*, 914, 2917; 5 F. R. F., 252. ¹¹ Annals 1st Sess. 18th Cong., 916.

from citizens of Boston.¹ The debate upon Webster's resolution began upon the 19th of January² and continued until the 26th. It took a wide range, developed great diversity of sentiment, and produced no result.

The sympathy for the Greeks continued to manifest itself. On the 2d of January, 1827, Edward Livingston moved to instruct the Committee of Ways and Means to report a bill appropriating \$50,000 for provisions for their relief.³ The bill was negatived on the 27th.⁴ Private relief was given, and in his annual message to Congress in the following December the President transmitted to Congress correspondence respecting it with Capo d'Istrias and with the President and Secretary of the Greek National Assembly.⁵

The first and only Treaty with Greece was concluded in London in 1837 between the Ministers of the respective Powers at that Court. It was sent to Congress with the President's message of December 4, 1838.⁶

HANOVER.

The Treaties of Commerce and Navigation with Hanover contained provisions respecting duties upon tobacco, which were the subject of both correspondence and legislation, and were esteemed important.⁷ It was thought at the time of their negotiation that other similar Treaties with more important Powers would follow.⁸ This proved to be a mistake.

How these Treaties became abrogated is explained in note "*Abrogated, Suspended, or Obsolete Treaties.*"

HAWAIIAN ISLANDS.

In the year 1826 Thomas Ap Catesby Jones, commanding the United States Sloop-of-War "Peacock," signed articles of agreement in the form of a Treaty with the King of the Hawaiian Islands.⁹ The Hawaiians profess to have observed this as a Treaty,¹⁰ but it was not regarded as such by the United States.

In December, 1842, the "duly commissioned" representatives of King Kamehameha III proposed to Mr. Webster, Secretary of State, to conclude a Treaty whenever the sovereignty of the King should be recognized. In support of their proposal they said, "Twenty-three years ago the nation had no written language, and no character in which to write it. * The nation had no fixed form or regulations of government, except as they were dictated by those who were in authority, or

¹ Ib., 931. ² Ib., 1084. ³ 3 Debates, 577. ⁴ Ib., 654. ⁵ 6 F. R. F., 627, 636. ⁶ S. E. Doc. 1, 3d Sess. 25th Cong. ⁷ H. E. Doc. 258, 2d Sess. 25th Cong.; H. E. Doc. 60, 1st Sess. 36th Cong. ⁸ H. E. Doc. 258, 2d Sess. 25th Cong., 22. ⁹ H. E. Doc. 35, 3d Sess. 27th Cong. ¹⁰ Ib.

might by any means acquire power. * * But under the fostering influence, patronage, and care of His Majesty, and that of his predecessors, the language has been reduced to visible and systematized form, and is now written by a large and respectable portion of the people. * * A regular monarchial government has been organized of a limited and representative character. * A code of laws, both civil and criminal, has been enacted and published. * * Their position is such that they constitute the great centre of whale-fishery for most of the world. They are on the principal line of communication between the Western Continent of America and the Eastern Continent of Asia; and such are the prevailing winds on that ocean that all vessels requiring repairs or supplies, either of provisions or of water, naturally touch at those islands, whether the vessels sail from Columbia River or the north, or from the far distant ports of Mexico, Central America, or Peru upon the south."¹

Mr. Webster replied, "The United States have regarded the existing authorities in the Sandwich Islands as a Government suited to the condition of the people, and resting on their own choice; and the President is of opinion that the interests of all the commercial nations require that that government should not be interfered with by foreign Powers, *

The President does not see any present necessity for the negotiation of a formal Treaty."² It was not until 1849 that a Treaty was concluded.

Under this treaty it was held by Attorney-General Speed, (June 26. 1866,) that the Consular Courts at Honolulu have the power, without interference from local Courts, to determine, as between citizens of the United States, who comprise the crew of an American vessel, and are bound to fulfil the obligations imposed by the shipping-article.³

HONDURAS.

Prior to the signature of the Clayton-Bulwer Treaty of 1850, Great Britain had taken possession of Tigre Island, in the Gulf of Fonseca. An animated discussion followed.⁴

In the 14th article of the Treaty concluded with Honduras in 1864, the United States undertook, in consideration of certain concessions by Honduras, to guarantee the neutrality of an interoceanic communication so long as they should enjoy the concessions. The Government of Honduras having manifested a purpose of holding these guarantees to be in force before the United States had come into the enjoyment of the concessions, Mr. Fish wrote Mr. Baxter, "It has not hitherto been supposed that the obligation of the United States to maintain that neu-

¹ *Ib.*, 4-5. ² *Ib.*, 5. ³ 11 Op. At.-Gen., 508. ⁴ H. Ex. Doc. 75, 1st Sess. 31st Cong.; see, also, "*Central America*."

trality would become perfect, except upon the completion of that railway, as the charge was assumed as a consideration for advantages promised, the realization of which obviously cannot begin so long as the road shall be in an unfinished state.¹ The guarantee, however, by no means implied that the United States are to maintain a police or other force in Honduras for the purpose of keeping petty trespassers from the railway."² He also instructed Mr. Torbert, the Minister at San Salvador, to the same effect.³

ITALY.

With two of the independent powers which were consolidated into the Kingdom of Italy, the United States had concluded Treaties prior to the consolidation, viz, with Sardinia and with the Two Sicilies. They had also held diplomatic relations with the Papal States, and had established Consulates in Tuscany and other parts of Italy.

The Treaty of commerce with Sardinia was communicated to Congress by President Van Buren in his Annual Message on the 24th December, 1839, in these words: "That with Sardinia is the first Treaty of commerce formed by that Kingdom, and it will, I trust, answer the expectations of the present Sovereign, by aiding the development of the resources of his country, and stimulating the enterprize of his people."⁴

The correspondence "touching the origin, progress, and conclusion" of that convention, and also "all consular and other official correspondence in regard to the execution of said treaty," was called for by the Senate and transmitted to that body."⁵

With the Two Sicilies an important political question was adjusted by a Treaty. "On the 1st day of July, 1809, the Minister for Foreign Affairs of the then Government of Naples, addressed to Frederick Degan, esq., then Consul of the United States, an official letter, containing an invitation to all American vessels, having on board the usual certificates of origin, and other regular papers, to come direct to Naples with their cargoes. * Upon the credit * of that promise [the merchants of the United States] sent to Naples many valuable vessels and cargoes; * but scarcely had they reached the destination to which they had been allured, when they were seized, without distinction, as prizes, or as otherwise forfeited to the Neapolitan Government. * These arbitrary seizures were followed * by summary decrees confiscating, in the name and for the use of the same Government, the whole of the property which had thus been brought within its grasp."⁶

¹ F. R., 1871, 577. ² *Ib.*, 581. ³ *Ib.*, 691-692. ⁴ *Globe*, 1st Sess. 26th Cong., Ap. 2.

⁵ H. E. Doc. 118, 1st Sess. 29th Cong. ⁶ 4 F. R. F., 162.

In 1816 William Pinckney, the U. S. Minister to St. Petersburg, was sent on a special mission to Naples to make reclamations for these spoliations. He laid the matter before the Neapolitan Government, and that government denied its obligation to make reparation. The Marquis di Circello, Minister for Foreign Affairs, verbally told Pinckney that "Monsieur Murat [as he styled him] appropriated to his own use whatever of value he could lay his hands upon, and in particular the vessels and merchandise belonging to our citizens,"¹ and he officially informed the American Envoy that the fund received from the confiscation of this property "was always considered as appertaining to the extraordinary and private domain of Murat himself. * It is enough to read the account rendered of the cashier of the separate fund to know that the sums paid into it were dissipated in largesses to the favorites of Murat, in marriage portions to some of his relatives, and in other licentious expenses of Murat and of his wife, especially during their visit to Paris. * Murat * was but the passive instrument of the will of Bonaparte in the confiscation of the American ships."²

The rejected claims were from time to time the subject of memorials to Congress.³

In his message at the opening of the first session of the 22d Congress, President Jackson said: "Our demands upon the Government of the Two Sicilies are of a peculiar nature. The injuries on which they are founded are not denied, nor are the atrocity and perfidy under which those injuries were perpetrated attempted to be extenuated. The sole ground on which indemnity has been refused is the alleged illegality of the tenure by which the monarch who made the seizures held his crown. This defence, always unfounded in any principle of the law of nations, now universally abandoned, even by those powers upon whom the responsibility for acts of past rulers bore the most heavily, will unquestionably be given up by his Sicilian Majesty, whose counsels will receive an impulse from that high sense of honor and regard to justice which are said to characterize him; and I feel the fullest confidence that the talents of the citizen commissioned for that purpose will place before him the just claims of our injured citizens in such a light as will enable me, before your adjournment, to announce that they have been adjusted and secured."⁴

It was not until two years later that the President was able to announce to Congress that the ratifications of a convention for the settlement of these claims had been duly exchanged.⁵ The act to carry this into effect was passed on the 2d of March, 1833.⁶

Before the consolidation of Italy two Treaties of Amity and Commerce had been concluded between the United States and the Two Sicilies—one in 1845, and one in 1855.

¹ Ibid., 161. ² Ib., 170-171. ³ 6 F. R. F., 614, 1005. ⁴ Debates 1st Sess. 22d Cong., Ap. 3.

⁵ Debates 1st Sess. 23d Cong., Ap. 3. ⁶ 4 St. at L., 666.

George P. Marsh was the first Minister accredited to the New Kingdom. In June, 1864, Mr. Seward transmitted to him a full power to negotiate a new Treaty of Commerce to take the "place of the existing Treaties between the United States and the Kingdoms of Sardinia and the Two Sicilies."¹ The Italian Government had already expressed its willingness to include in a Treaty a provision for "the total exemption of all private property not contraband of war from capture at sea by ships of war in all cases."²

By the 29th of June, 1865, the negotiations were so far advanced that a draught of the proposed Treaty had been left at the Foreign Office, and Marsh was asking instructions respecting a Consular Convention. He was instructed to confine himself to a Commercial Treaty.³

The Consular Convention, for which he asked instructions, was concluded at Washington in February, 1868. It was followed, in March, 1868, by a convention, also concluded at Washington, for the surrender of criminals.

It was not until February, 1871, that the Treaty of Amity and of Commerce was concluded in Florence. It contains the provision respecting captures at sea suggested by Ricasoli ten years before.

With the States of the Church the United States maintained diplomatic relations for many years; but, in 1868, Congress neglected to make appropriations for the support of a mission, and the Minister was withdrawn. In his annual message to Congress in 1871, President Grant said, "I have been officially informed of the annexation of the States of the Church to the Kingdom of Italy, and the removal of the capital of that Kingdom to Rome. In conformity with the established policy of the United States, I have recognized this change."⁴

JAPAN.

Mr. Edmund Roberts, a Sea Captain of Portsmouth, N. H., was named by President Jackson his "agent for the purpose of examining in the Indian Ocean the means of extending the commerce of the United States by commercial arrangements with the Powers whose dominions border on those seas."⁵ He was ordered, on the 27th of January, 1832, to "embark on board of the United States sloop-of-war the 'Peacock,' in which he was to "be rated as Captain's Clerk."⁶ On the 23d of the following July, he was told to "be very careful in obtaining information respecting Japan, the means of opening a communication with it, and the * value of its trade with the Dutch and Chinese,"⁷ and that when he should arrive at Canton he would probably receive further instructions. He had with him blank letters of credence, and on the 28th of

¹ 4 D. C., 1864, 328. ² D. C., 1861, 321. ³ 3 D. C., 1865, 148-149. ⁴ F. R., 1871, 5. ⁵ MS. Dept. of State. ⁶ Ib. ⁷ Ib.

October, 1832, Edward Livingston, Secretary of State, instructed him that the United States had "it in contemplation to institute a separate mission to Japan," but that if he should find the prospect favorable he might fill up one of his letters, and present himself to the Emperor for the purpose of opening trade. Nothing was accomplished by this mission in that quarter.¹

Again, in 1845, Alexander Everett was empowered to open negotiations with the Japanese Government,² and Commodore Biddle was instructed to "take the utmost care to ascertain if the ports of Japan were accessible."³ The Commodore did go to the bay of Yedo, and remained there several days. The Japanese refused to open their ports; they said: "This has been the habit of our nation from time immemorial. In all cases of a similar kind that have occurred we have positively refused to trade. Foreigners have come to us from various quarters, but have always been received in the same way. In taking this course with regard to you, we only pursue our accustomed policy."⁴

In the spring of 1849 it came to the knowledge of Commodore Geisinger, commanding the United States East India Squadron, that some American sailors were imprisoned in Japan, and Commander Glynn was dispatched to Nagasaki to liberate them.⁵ He succeeded in doing so,⁶ and on his return he laid before the President reasons why he thought it to be "a favorable time for entering upon a negotiation with Japan."⁷

The Dutch Government at that time had the monopoly of the foreign trade of Japan.⁸ The Dutch Minister at Washington, under instructions from his government, at this juncture, informed the Government of the United States that it was not to be supposed that there was "any modification whatever of the system of separation and exclusion which was adopted more than two centuries ago by the Japanese Government, and since the establishment of which the prohibition against allowing any foreign vessel to explore the Japanese coast has been constantly in force."⁹

Mr. Webster, Secretary of State, soon after the receipt of this note, instructed Commodore Anlick to proceed with a letter from President Fillmore to the Emperor of Japan to Yedo in his flag-ship, accompanied by as many vessels of his squadron as might conveniently be employed in the service, and to deliver it to such high officers of the Emperor as might be appointed for the purpose of receiving it. The principal object of his visit was to arrange for obtaining supplies of coal, but he also received "full power to negotiate and sign a Treaty of Amity and Commerce between the United States and the Empire of Japan."¹⁰ This was in June, 1851. In November, 1852, Commodore Perry was sent out with an increased naval force. "A copy of the gen-

¹ S. E. Doc. 59, 1st Sess. 32d Cong., 63. ² *Ib.*, 69. ³ *Ib.*, 64. ⁴ *Ib.*, 63. ⁵ *Ib.*, 6. ⁶ *Ib.*, 9-57. ⁷ *Ib.*, 74. ⁸ *Ib.*, 63. ⁹ *Ib.*, 79. ¹⁰ *Ib.*, 80-81.

eral instructions given to Commodore John H. Aulick" was handed him, which he was to consider as "in full force, and applicable to his command."¹ He succeeded in concluding a Treaty on the 31st of March, 1854. The interesting negotiations which preceded it are detailed in the document above referred to. An account of the expedition, from the journals of Commodore Perry and officers under his command, was compiled by the Rev. Francis L. Hawks, D. D., and printed in quarto form by order of the House.²

The rights of Americans in Japan were further extended by a Convention concluded at Simoda on the 17th of June, 1857; and in the following year a more extensive Treaty was concluded, in which it was provided that all the provisions of the Convention of 1857, and so much of the Treaty of 1854 as were in conflict with the new Treaty, were revoked.

In 1859 it was determined to send a Japanese embassy to the United States;³ and this was done in 1860. In 1864 a convention was concluded for the payment to the United States, Great Britain, France, and the Netherlands, of an aggregate sum of three millions of dollars, "this sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons."⁴ The circumstances which led to the conclusion of this Treaty were thus stated by Mr. Fish in a report to the President: "The Japanese indemnity fund comes from payments made by the Japanese government under the convention of October 22, 1864,⁵ of which a copy is herewith inclosed. It appears that Prince Choshu, the ruler over the provinces of Sueoo and Nagato, having possession of the Japanese fortifications which command the Straits of Simonoseki, and also having with him the person of the Mikado, refused to recognize the validity of the treaties concluded by the Tycoon with the foreign powers, and closed the passage to the inland sea. At the request of the Tycoon's government the forces of the United States, Great Britain, France, and the Netherlands, in those waters, jointly proceeded to open the straits by force. On the 4th, 6th, 7th, and 8th days of September, 1864, they destroyed the batteries commanding the straits, blew up the magazines, threw the shot and shell into the sea, carried away seventy cannon, and obtained an unconditional surrender from Prince Choshu, with an agreement to pay the expenses of the expedition. The ratification of the treaties by the Mikado, and the firm establishment of the foreign policy of the Tycoon also, speedily followed. The government of the Tycoon, preferring to assume the expenses of the expedition, which the rebellious prince had agreed to pay, entered into the convention of October 22, 1864, stipulating to pay the four powers three millions of dollars, 'this sum to include all claims,

¹ S. E. Doc. 34, 2d Sess. 33d Cong. ² H. E. Doc. 97, 2d Sess. 33d Cong. ³ S. E. Doc. 25, 1st Sess. 36th Cong. ⁴ Ante, 526. ⁵ 14 St. at L., 665.

of whatever nature, for past aggressions on the part of Nagato, whether indemnity, ransom for Simonoseki, or expenses entailed by the operation of the allied squadrons,' 'the whole sum to be payable quarterly,' in installments 'of half a million of dollars.' One million and a half of dollars have been paid under this convention, and one million and a half of dollars remain unpaid. The Japanese government have asked to have the payment of the unpaid balance deferred till May 15, 1872, on terms set forth in the inclosed correspondence, and this government has consented as to its portion, (one-fourth,) on condition that the other powers also consent. Of the amounts already paid, one-fourth came to the possession of the United States, which appears to have yielded to its credit with Baring Brothers, in London, the sum of eighty-eight thousand eight hundred and eighty-one pounds eighteen shillings and tenpence sterling, (£88,881 18s. 10d.) This, transferred to New York, produced in currency the sum of five hundred and eighty-six thousand one hundred and twenty-five dollars and eighty-seven cents, (\$586,125 87,) which was invested in ten-forty bonds of the United States at par. The interest on the bonds, as accruing, has been invested in the same class of bonds. The disbursing clerk of the Department of State now holds, as belonging to this fund, such registered bonds to the amount of seven hundred and five thousand dollars, (\$705,000,) at par. The Secretary of State is not aware of any claims against this fund."¹

It so happened that there was no vessel in the naval service of the United States that was in a condition to take part in this expedition. The Ta-Kiang was therefore chartered for the service,² and was manned with a crew of eighteen persons from the Jamestown, which, with her own crew of forty, made a crew of fifty-eight in all.³ The Ta-Kiang had three guns, and received one thirty-pound Parrot gun from the Jamestown.⁴ The actual cost of the expedition to the United States was \$9,500 for the charter,⁵ and \$1,848.00 for the coal consumed.⁶

In 1867 it became necessary to make "arrangements for the establishment of a Japanese municipal office for the foreign settlement of Yokohama." By this arrangement, which "was adopted and agreed to by the foreign representatives and the Japanese Government," "the principle of extraterritoriality was carefully preserved," as to the Treaty Powers.⁷

In a recent discussion between the Japanese Minister for Foreign Affairs and the Peruvian Envoy, the former thus speaks of this agreement, and its relations to citizens of non-Treaty Powers: "It was a temporary arrangement, thought essential, say the foreign ministers who recommended it, '*under present circumstances*, to secure the maintenance of order and health within the foreign settlement.' It did not fix any time within which it should remain in force. It is therefore either binding forever, or it might be abrogated at the pleasure of this govern-

¹ S. E. Doc. 58, 2d Sess. 41st Cong., 2; see, also, 3 D. C., 1864. ² *Ib.*, 579. ³ *Ib.*, 584. ⁴ *Ib.*, 553, 584. ⁵ *Ib.*, 579. ⁶ *Ib.*, 581; see, also, H. M. Doc. 151, 2d Sess. 42d Cong., as to this fund. ⁷ 2 D. C., 1867, 73.

ment. * * Peru was then and is now a non-treaty Power. Your Excellency would be astonished and indignant if you were told by the officer whom His Majesty the Tenno may authorize to negotiate with you a Treaty of amity and commerce, that while perfectly free on all other points, we cannot relieve the citizens of Peru from being subject to coercive jurisdiction exercised by the majority of a Board of Foreign Consuls. You would ask, I think, by what right the Ministers of Great Britain, France, the United States, Germany, and Holland undertook to stipulate in what manner the citizens of Peru should be tried. * If the pretensions of some of the consuls were admissible, that they had a right not only to give advice, but that their advice, or that of a majority of them, should be controlling, so that the governor of Kanagawa would be only a mouth-piece to utter their decision, then the extraordinary result would follow that this government might be made responsible to a foreign nation for an erroneous decision, which it had no power to prevent or reverse."¹

LAND GRANTS.

British Titles.

All British grants are invalid which were made after the declaration of independence, and purported to give title to land within the territories of the United States as defined by the Treaty of 1783.²

French Titles.

All French grants of land in Louisiana, made between the 3d of November, 1762, the date of the cession to Spain, and the 1st of October, 1800, the date of the recession to France, are invalid.³

Spanish Titles.

Louisiana.—Spanish grants in Louisiana were valid, if made according to law, between November 3, 1762, and Oct. 1, 1800. The requirements of law are considered in the following cases, as collected in Brightly's Digest: *Strother vs. Lucas*, 12 Peters, 411; *United States vs. Delespine*, 15 Peters, 319; *Le Bois vs. Bramell*, 4 How., 449; *Bissell ag't Penrose*, 8 How., 317; *Lecompte ag't U. S.*, 11 How., 115; *United States ag't Power's Heirs*, *Ibid.*, 570; *U. S. ag't Moore*, 12 How., 209; *U. S. ag't Simon*, *Ibid.*, 433.⁴

Florida.—The titles to lands which had been granted by the King of Spain were confirmed by the force of the Treaty of 1819 for the cession

¹ Mr. Oyeno Kagenori to Mr. Garcia. (Enclosure to No. 429, June 19, 1873, from U. S. minister to Japan.) MS. Dept. of State. ² *Harcourt v. Gaillard*, 12 Wheat., 523. ³ *U. S. v. D'Auterine*, 10 How., 609; *Montault v. U. S.*, 12 How., 47. ⁴ 1 Brightly's Federal Digest, 532; see also S. D. 56, 2d Session 23d Congress.

of Florida.¹ If the title was granted upon condition, the concession became absolute on the performance of the condition,² but if the condition was not performed and no good excuse shown for the non-performance, then the grant was invalid.³ Brightly's Digest (p. 534) enumerates the cases in which concessions of law by the governors of East Florida have been confirmed.

Mexican Titles.

These titles were recognized by the Treaty of 1848, and by the Treaty of 1853.

The authority and jurisdiction of Mexican officers to make grants of lands which were recognized by the Treaty of 1848 expired on the 7th of July, 1846,⁴ and if any condition was annexed to a grant which was inconsistent with the public policy of the United States, it was annulled by the conquest.⁵

Brightly's Digest, vol. 1, page 538, contains references to some of the cases in which the Supreme Court of the United States has decided what are and what are not valid Mexican Titles.

LEW CHEW.

While Commodore Perry was at Lew Chew in 1854, one of the sailors in his squadron, in a state of intoxication, entered the house of a native and violated a woman. The people were enraged at this crime, and stoned the criminal to death. Commodore Perry caused an inquiry to be made into the circumstances, and concluded with the authorities an agreement for the treatment of Americans and their punishment for future offenses.⁶

MADAGASCAR.

The conclusion of a Treaty with Madagascar in 1867, conferring extritorial jurisdiction upon the Consul of the United States, made it necessary to extend to Madagascar the provisions of the Act of 1860 entitled "An act to carry into effect provisions of the Treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to Ministers and Consuls and other functionaries of the United States in those countries, and for other purposes."⁷

¹ *United States v. Percheman*, 7 Peters, 51; *U. S. v. Clarke*, 9 Peters, 168; *Mitchell v. U. S.*, *Id.*, 711, and other cases cited in Brightly's Digest, 533. ² *U. S. v. Clarke*, 9 Peters, 168. ³ *U. S. v. Mill's Heirs*, 12 Peters, 215. ⁴ *U. S. v. Yerba*, 1 Wallace, 412. ⁵ *U. S. v. Vaca*, 18 How., 556; *Fuentes v. U. S.*, 22 How., 443. ⁶ S. E. Doc. 34, 2d Sess. 33d Cong., 174. ⁷ 16 St. at L., 183.

MEXICO.

In a communication to the Secretary of State, printed in the Folio Edition of the Foreign Relations,¹ it is stated that "before the insurrection of the year 1810 the Kingdom [of New Spain] contained six millions of inhabitants, and * may be said to have been at its acme of prosperity; the royal revenue exceeding \$20,000,000."

The course of the revolution from 1810 to 1821 is reviewed in that communication. It is stated that before 1816 "the impossibility of re-establishing peace and quietness in the Kingdom by the force of arms was fully ascertained,"² and the military events between 1816 and 1821 are rapidly reviewed.

In 1821 Spain made an effort to save her rebellious American colonies. Deputies from Mexico were received by the Cortes at Madrid, and "availed themselves of this occasion to show to the Cortes and Executive the impracticability of the provinces of America being governed as those of the Peninsula. * They then moved that the Government should be requested to direct without delay the Viceroy of Mexico to inform Iturbide that the Cortes were occupied in projecting a plan of Government for America, and to propose a suspension of hostilities until the resolution should be finally made by the Cortes and Executive."³

The opposition of the King defeated this move, and the American Deputies then proposed that there should be three divisions made of America; in each a Cortes; * * in each division a delegate appointed by the King, * who shall exercise in the name of the King the executive power, * the commerce between the Peninsula and America to be considered as from one province to another, and the inhabitants of the latter to have equal eligibility with those of the former to all public employments."⁴

While these propositions were under consideration, Iturbide had gained a position in Mexico which enabled him to make proposals that New Spain should be independent of Old Spain; and that it should be a monarchy, of which a member of the royal family of Spain should be the Emperor, with sundry other provisions conceived for the purpose of securing these results.

The Cortes showed a reluctance to take the matter into serious consideration,⁵ upon which the American Deputies submitted a plan to the Cortes.⁶ No compromise of ideas so radically different was found practicable.

Iturbide continued military operations until, on the 24th of August, 1821, he concluded a treaty in Cordova with Señor O'Donojú, Lieut.-General of the Armies of Spain, by which the Independence of New Spain was declared to be recognized.⁷ As a result of this, supreme

¹ 4 F. R. F., 836. ² *Ib.*, 837. ³ 4 F. R. F., 828. ⁴ *Ib.* ⁵ *Ib.*, 830, B. ⁶ *Ib.*, 831, C. ⁷ *Ib.*, 841.

authority, with the title of Highness, was vested in Iturbide,¹ and Mexico was declared to be an Empire.

In the following March President Monroe sent his message to Congress respecting the recognition of the Spanish-American States, whereupon the Spanish Minister at Washington protested against it.²

While the Spanish government was still trying in vain to find a plan for reconciling and retaining the colonies,³ the Committee of the House of Representatives of the United States recommended the passage of a resolution "that the American provinces of Spain, which have declared their independence, and are in the enjoyment of it, ought to be recognized by the United States as independent nations."⁴ The action of Congress is stated under the title "Columbia."

In 1825 Mr. Poinsett was despatched as Minister to Mexico. He was instructed to "bring to the notice of the Mexican government the message of the late President of the United States to their Congress, on the 2d of December, 1823, asserting certain important principles of intercontinental law in the relations of Europe and America. The first principle asserted in that message is, that the American Continents are not henceforth to be considered as subjects for future colonization by any European powers. * * The other principle asserted in the message is, that whilst we do not desire to interfere in Europe with the political system of the allied powers, we should regard as dangerous to our peace and safety any attempt on their part to extend their system to any portion of this hemisphere."⁵ These instructions were afterwards made the subject of some discussion in the House,⁶ in the course of which Mr. Webster said: "The proceedings of the Allied Powers at Troppau, Laybach, and Verona were very well remembered, and in the course of the very year then expiring the King of Spain had been established on his throne by the army of France. * Under these circumstances the question was, how is it likely the Allied Powers will act toward the former Spanish colonies in America? Having succeeded in establishing such a government as suited them in Spain itself, would they not, or might they not, be willing to go further, and to assist the Spanish Monarch in reconquering his rebellious provinces? It was possible they might do this—perhaps it was not very improbable. At this juncture the President's declaration was made. * The amount of it was that this government could not look with indifference on any combination among other Powers to assist Spain in her war against the South American States; that we could not but consider any such combination as dangerous or unfriendly to us; and that if it should be formed it would be for the competent authorities of this government to decide, when the case arose, what course our duty and our interest should require us to pursue."⁷

Poinsett was further instructed to secure, if possible, a Treaty

¹ Ib., 843. ² Ib., 845-6. ³ Ib., 847. ⁴ Ib., 850. ⁵ 5 F. R. F., 909; 6 Ib., 578. ⁶ 2 Debates, 1826, 1792-1820. ⁷ Ib., 1807-8.

of limits, and a Treaty of Amity and Commerce, on the basis of the recently concluded Convention with Colombia.¹ The Treaty which he signed, and the account of the negotiations which preceded it, will be found in the 6th vol. of the Folio Edition of the Foreign Relations, pages 578-613. This Treaty did not receive the assent of the Senate, except upon conditions which caused it to fail.² The Treaty of limits of 1828 was then concluded,³ and in 1831 a Treaty of Amity and Commerce was signed, which is still in force.

The war between Texas and Mexico affected the relations between Mexico and the United States, and was the cause of frequent communications from the Executive to Congress, and of frequent discussions and reports in that body.⁴ At one time, in the early stage of the discussion, the Mexican Minister withdrew himself from Washington, but relations were soon restored.

Claims began to arise and to be pressed against Mexico as early as 1836.⁵ In 1837 they were made the subject of Presidential messages.⁶ A convention was concluded for the adjustment of these claims in 1838, which was not ratified by the Mexican Government; and another convention was concluded and ratified by both parties, for the same purpose, in April, 1839. The acts of Congress to carry this into effect were approved on the 12th of June, 1840,⁷ and on the 1st of September, 1841.⁸

When the Commissioners on each side met together, [William L. Marcy was one of the United States Commissioners] a radical difference of opinion on important subjects was found to exist. (1) The American Commissioners regarded the joint body as a judicial tribunal. The Mexican Commissioners regarded it as a diplomatic body.⁹ (2) The Americans asserted that the claimants had a right to appear personally or by counsel before the Commissioners. The Mexicans denied this, and insisted that the proof must come through the government.¹⁰ Much time was lost in these and kindred discussions; so that, when the last day for action had passed, several claims had not been acted on.¹¹ This was the cause of much subsequent correspondence.¹² Mexico did not keep its engagements under this Treaty, and in 1843 a new convention respecting the payments was made in which it was agreed that another claims convention

¹ 6 F. R. F., 579. ² 3 Ex. Jour., 570. ³ 6 F. R. F., 946. ⁴ S. E. Doc. 415, 1st Sess. 24th Cong.; S. E. Docs. 20, 84, 160, and 189, 2d Sess. 24th Cong.; H. E. Doc. 256, 1st Sess. 24th Cong.; H. E. Doc. 35, and 105, 2d Sess. 24th Cong.; H. R. 281, 2d Sess. 24th Cong.; H. E. Doc. 40 and 42, 1st Sess. 25th Cong.; H. E. Docs. 351 and 409, 2d Sess. 25th Cong.; H. R. 1056, 2d Sess. 25th Cong.; H. E. Doc. 252, 3d Sess. 25th Cong.; H. E. Doc. 51, 2d Sess. 27th Cong.; S. E. Doc. 325, 2d Sess. 27th Cong.; S. E. Docs. 349, and 390, 1st Sess. 28th Cong.; H. E. Doc. 271, 1st Sess. 28th Cong.; H. E. Doc. 19, 2d Sess. 28th Cong. ⁵ S. Doc. 424, 1st Sess. 24th Cong. ⁶ S. E. Doc. 160, 2d Sess. 24th Cong.; H. E. Doc. 139. Ibid.; see also Reports of the Secretary of State accompanying President's Message 2d Sess. 25th Cong.; and S. E. Doc. 14, 2d Sess. 25th Cong. ⁷ 5 St. at L., 383. ⁸ Ib., 452. ⁹ H. E. Doc. 291, 2d Sess. 27th Cong., 5. ¹⁰ Ib., 14-15. ¹¹ Ib., 40-49; H. R. 1096, 2d Sess. 27th Cong. ¹² S. E. Doc. 320, 2d Sess. 27th Cong.; S. E. Doc. 411, 2d Sess. 27th Cong.

should be entered into; but this had not been done when war broke out between the parties, in 1846.¹

A Treaty was concluded with Texas for its annexation to the United States, but it failed to receive the assent of the Senate. Congress then, by joint resolution, declared that it "doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas,"² and on the 29th of December, 1845, it was jointly resolved "that the State of Texas shall be one * of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever."³

On the 13th of the following May Congress declared in the preamble of the act providing for the prosecution of the war with Mexico, that "by the act of the Republic of Mexico a state of war exists between that Government and the United States,"⁴ and on the same day President Polk made proclamation of that fact.⁵

While hostilities were going on, Nicholas P. Trist, Chief Clerk of the Department of State, was dispatched to Mexico, and opened negotiations for peace.⁶ He was instructed to demand the cession of New Mexico and California in satisfaction of claims against Mexico, on the ground that "a state of war abrogates treaties previously existing between the belligerents, and a treaty of peace puts an end to all claims for indemnity."⁷ The proposals were rejected by Mexico, and the Commissioner was recalled on the 6th of October, 1847.⁸ He remained, however, in Mexico, notwithstanding the instructions to return, and he succeeded in concluding the Treaty of Guadalupe Hidalgo on the 2d of February, 1848. This was communicated to the Senate on the 23d of February.⁹ Sundry amendments were made by the Senate and accepted by Mexico, and the ratifications were exchanged on the 30th of May, 1848. The Supreme Court has held that this Treaty does not protect the rights of property of Mexican citizens in the former Republic of Texas.¹⁰ On the 6th of July, 1848, the President communicated the Treaty to Congress, with a message asking legislation to carry it into effect.¹¹ On the 29th of the same month the act for the payment of the liquidated claims against Mexico passed Congress.¹² The civil and diplomatic appropriation bill, approved on the 12th of August, contained a provision for the survey of the new boundary-line,¹³ and in the following

¹ H. E. Docs. 144 and 158, 2d Sess. 28th Cong.; S. E. Doc. 81, 2d Sess. 28th Cong.; S. E. Doc. 151, 1st Sess. 29th Cong.; H. E. Doc. 133, 1st Sess. 29th Cong. ² 5 St. at L., 797. ³ 9 St. at L., 108. ⁴ 9 St. at L., 9. ⁵ *Ib.*, 999. For Congressional papers during the war, or descriptive of it, see S. Doc. 337, 1st Sess. 29th Cong.; H. E. Doc. 196, 1st Sess. 29th Cong.; S. E. Doc. 1, 2d Sess. 29th Cong.; S. E. 107, 2d Sess. 29th Cong.; S. E. Docs. 20 and 52, 1st Sess. 30th Cong.; H. E. Doc. 40, 1st Sess. 30th Cong.; H. E. Doc. 56, 1st Sess. 30th Cong.; H. E. Doc. 60, 1st Sess. 30th Cong.; S. E. Doc. 32, 1st Sess. 31st Cong. ⁶ S. E. Doc. 20, 1st Sess. 30th Cong. ⁷ President's Message, S. E. Doc. 1, 1st Sess. 30th Cong., 7. ⁸ *Ib.*, 11. ⁹ S. E. Doc. 52, 1st Sess. 30th Cong. ¹⁰ *McKenney v. Saigro*, 18 Howard, 235. ¹¹ S. E. Doc. 60, 1st Sess. 30th Cong. ¹² 9 St. at L., 265. ¹³ *Ib.* 301.

session provision was made for payment in part of the sums due to Mexico under the 12th article.¹ On the 3d of March, 1849, a commission was created to examine the claims upon Mexico, which were to be assumed by the United States;² and on the 3d of March, 1851, a loan was authorized for their payment.³ One hundred and eighty-two claims were allowed, and seventy were rejected.⁴

In the exchange of the ratifications of the Treaty of Guadalupe Hidalgo, certain explanations were embodied in a protocol signed by the Plenipotentiaries. These became the subject of a discussion in Congress early in 1849 which induced the Mexican Minister at Washington, (who appears to have been the same person who, as plenipotentiary, exchanged the ratifications of the Treaty on the part of Mexico,) to ask of Mr. Buchanan, the Secretary of State, an assurance, in the form of a message from the President, that the United States adhered to the protocol. Buchanan replied that "the President would violate the most sacred rights of the legislative branch of the Government if he were to criticise or condemn any portion of their proceedings, even to his own countrymen; much less, therefore, can he be called upon by the representative of a foreign government for any explanation, condemnation, defence, or approval of their proceedings. * * The President will be ever ready, in the kindest spirit, to attend to all representations of the Mexican government, communicated in a form which does not interfere with his own rights or those of Congress."⁵

The annexation of California by the Treaty of Guadalupe Hidalgo made it desirable that the United States should have some interest in the isthmus routes between the two Oceans. Instructions looking to such a result were issued by Mr. Clayton in April, 1849, which were followed by long negotiations.⁶ The Commission for running the boundary-line under the Treaty of 1848 met with difficulties and delays,⁷ and in 1853 both questions were determined by a new Treaty, which annexed Arizona, and gave to the United States rights for itself and its citizens in any road that might be constructed across the Isthmus of Tehuantepec.⁸ A Commission was organized for surveying the new line.⁹

The United States continued their exertions to acquire greater rights in the Isthmus of Tehuantepec. In 1857 Forsyth, Minister at Mexico, was instructed to endeavor to conclude such a Treaty,¹⁰ and two years later Mr. Cass wrote to Robert McLane, Forsyth's successor, "It is hoped you may be able to conclude a convention embracing the cession of Lower California, and the transit rights and privileges above referred to. The President would deeply regret to learn that this was impracticable. * There is reason to believe that Lower California may be secured; and this result, I

¹ *Ib.*, 348. ² *Ib.*, 393. ³ *Ib.*, 617. ⁴ S. E. Doc. 34, 1st Sess. 32d Cong. ⁵ H. E. Doc. 5, 1st Sess., 31st Cong., 69-73. ⁶ S. E. Doc. 97, 1st Sess. 32d Cong. ⁷ S. E. Doc. 34, 1st Sess. 31st Cong.; H. E. Doc. 112, 1st Sess. 32d Cong.; S. E. Docs. 119, 120, 121, 131, 1st Sess. 32d Cong.; S. R. 345, 1st Sess. 32d Cong.; S. E. Doc. 55, 2d Sess. 33d Cong. ⁸ H. E. Doc. 109, 1st Sess. 33d Cong. ⁹ S. E. Doc. 57, 1st Sess. 34th Cong. ¹⁰ Confidential S. E. Doc. 221, 1st Sess. 36th Cong., 3.

repeat, is regarded by your government as of great importance. You will not readily come to the conclusion that it cannot be obtained. But if, after your best efforts have been exhausted, you find that the cession is impossible, * you may accept the transit and other rights proposed by Mr. Ocampo, * and you may stipulate to pay for them four millions of dollars, two millions to be reserved for the payment of such claims as may be found due from Mexico to our citizens."¹ These negotiations were fruitless.

The attitude of the United States towards the Republic of Mexico, during the French invasion and conquest of a portion of Mexican territory, is detailed in the voluminous correspondence transmitted to Congress during that period.²

In 1861 an Extradition Treaty was concluded with Mexico, and in 1868 a naturalization convention, and a convention for the establishment of a claims Commission. The commission was duly organized in Washington. Its powers were extended by a convention, concluded April 19, 1871, and a further extension was authorized by a convention concluded November 27, 1872.

MITCHELL'S MAP.

It is stated in the 4th Article of the Convention of 1827 with Great Britain, that the framers of the Treaty of 1783 are acknowledged to have regulated their joint and official proceedings by the map called Mitchell's map. A copy of a section of this map showing a part of New England, of Nova Scotia, the Gulf of St. Lawrence, the coast of Maine, and the Bay of Fundy, is contained in the Senate Document 502, 2d Session 25th Congress.

MOST FAVORED NATION.

Engagements of extradition stand on particular stipulations of Treaty, and are not to be inferred from the "favored nation" clause in Treaties.³

The 8th Article of the Convention for the cession of Louisiana provided that after the expiration of twelve years from the date of that Treaty, the ships of France should be treated upon the footing of the most favored nations in the ports of the ceded territory.

It was contended by France that this was an absolute agreement, irrespective of the conditions upon which favors were granted to other nations, and that, therefore, when a favor should be granted to another nation for a consideration (reciprocal or otherwise) or upon a condition, France was entitled to enjoy the same favor without consideration or condition. This was denied by the United States. The claim was abandoned by France in the Treaty of 1831.⁴

¹ Ibid, 15. ² H. E. Doc. 100, 2d Sess. 37th Cong.; H. E. Docs. 20, 31, 38, 73, 93, 137, 1st Sess. 39th Cong.; S. E. Docs. 5, 6, 17, 54, 56, 1st Sess. 39th Cong.; D. C. 1861 to 1866

³ 6 Op. At.-Gen., 148, Cushing. ⁴ See "France."

MUSCAT.

The Treaty with Muscat was negotiated by the same Edmund Roberts referred to in the note upon Japan. It was transmitted to Congress with the President's Message at the commencement of the 2d Session of the 25th Congress.¹

NATURALIZATION.

The political departments of the United States have invariably contended for the individual right of expatriation. The question has been discussed with the British Government,² with the Prussian Government,³ with the French Government,⁴ and with the Austrian Government, in the case of Martin Koszta.⁵

Attorneys-General Cushing⁶ and Black⁷ have expressed the opinion that citizens of the United States possess the right of voluntary expatriation, subject to such limitation, in the interest of the State, as the law of nations or acts of Congress may impose; and Congress, in a late act, has expressed its opinion that "the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness," and has enacted "that any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government."⁸

This right has been guarded, and its exercise provided for, in the series of Treaties whose provisions will be found grouped in the Analytical Index under the title "*Naturalization*."

In a recent correspondence the Department of State, referring to the Koszta correspondence, said:

"The late distinguished Secretary of State, Mr. Marcy, was very careful in his elaborate letter concerning the case of Martin Koszta not to commit this government to the obligation or to the propriety of using the force of the nation for the protection of foreign-born persons who, after declaring their intention to become at some future time citizens of the United States, leave its shores to return to their native country. He showed clearly that Koszta had been expatriated by Austria, and required to reside outside her jurisdiction; that at the time of his seizure he was not on Austrian soil, or where Austria could claim him by treaty stipulations; that the seizure was an act of lawless violence, which every law-abiding man was entitled to resist; and he took especial care to insist that the case was to be judged, not by the municipal laws of the United States, not by the local laws of Turkey, not by the conventions

¹ S. Doc. 1, 26. ² S. E. Doc., 38, 1st Sess. 36th Cong., 153, et. seq. ³ Lawrence's Wheaton, 925. ⁴ *Ib.*, 927-8. ⁵ H. E. 91, 1st Sess. 33d Cong. ⁶ 3 Op. At.-Gen., 139. ⁷ 9. *Ib.*, 62, 356. ⁸ 15 St. at L., 223-4.

between Turkey and Austria, but by the great principles of international law. It is true that in the concluding part of that masterly dispatch he did say that a nation might at its pleasure clothe with the rights of its nationality persons not citizens, who were permanently domiciled in its borders. But it will be observed by the careful reader of that letter that this portion is supplemental merely to the main line of the great argument, and that the Secretary rests the right of the government to clothe the individual with the attributes of nationality, not upon the declaration of intention to become a citizen, but upon the permanent domicile of the foreigner within the country.

"To extend this principle beyond the careful limitation put upon it by Secretary Marcy would be dangerous to the peace of the country. It has been repeatedly decided by this department that the declaration of intention to become a citizen does not, in the absence of treaty stipulations, so clothe the individual with the nationality of this country as to enable him to return to his native land without being necessarily subject to all the laws thereof."¹

NETHERLANDS.

On the 23d of September, 1778, the Pensionary of the city of Amsterdam sent word to the American Commissioners in France that he was "empowered by the burgomasters of the aforementioned city to declare in their names that, provided the said Congress do not enter into any engagement with the English Commissioners which may be hurtful or prejudicial to the commerce of the Republic of the United Provinces, directly or indirectly, the aforesaid burgomasters on their side will be entirely disposed, as far as depends on them, so to direct the course of affairs that whenever the independence of the said United States of America shall be recognized by the English a perpetual treaty of Amity shall be concluded between this Republic and the aforesaid United States, containing the most extensive reciprocal advantages in relation to the commerce of the subjects of the two Powers."² In a separate note the Pensionary said that the burgomasters had "not the absurd design of concluding a convention independently of their High Mightinesses, but only to make such preparations as are possible to accelerate the conclusion of a treaty of commerce when the opportunity shall present;"³ and he suggested that "for this purpose we should take the Treaty between France and America [concluded the previous February] as the basis, changing nothing except those provisions which cannot be applicable in the republic."⁴

A plan of a treaty had been agreed upon at Aix la Chapelle on the 4th of the same month between William Lee and M. de Neufville,⁵ which

¹ S. E. Doc. 108, 2d Sess. 41st Cong. ² 1 D. C., 1776-'83, 333. ³ *Ib.*, 332. ⁴ *Ib.*, 333.
⁵ *Ib.*, 589-90.

was transmitted to the Committee of Foreign Affairs of Congress by Lee on the 15th of the next month, (October¹.) A copy of this project fell into the hands of the British Government with the papers captured with Laurens.

The correspondence of John Adams shows that he was restive under the restraints imposed upon the American Commissioners by France, and was impressed with the importance of making independent overtures to Holland. After a somewhat unpleasant correspondence between him and Mr. de Vergennes, he left Paris for Amsterdam,² in the hope of being able to obtain a loan there. Congress empowered him to negotiate a loan if possible, and sent him credentials as their Envoy, with authority to negotiate a Treaty.

The Northern Powers of Europe were at that time engaged, for purposes of their own, in the formation of the "armed neutrality," to which the States General were about to accede, at the time when the project of 1778 fell into British hands.³ The British Minister at the Hague on the 16th of November 1780, presented to the States General a memorial, in which he said: "His Majesty has had for some time indications without number of the dangerous designs of an *unbridled cabal*. But the papers of Mr. Laurens, who calls himself a President of a pretended Congress, have made a discovery of a conspiracy without example in the annals of the republic. It appears by these papers that the gentlemen of Amsterdam have commenced a clandestine correspondence with the rebels of America, from the month of August, 1778, and that there were instructions and full powers given by them, relative to the conclusion of an indissoluble Treaty of Amity with these rebels, subjects of a sovereign to whom the republic is bound by engagements the most strict. The authors of this conspiracy pretend not to deny it; on the contrary they avow it, and endeavor in vain to justify it. It is in these circumstances that His Majesty, depending on the equity of your High Mightinesses, demands a formal disavowal of a conduct so irregular, not less contrary to your engagements, the most sacred, than to the fundamental laws of the Batavian Constitution. The King demands also a prompt satisfaction, proportioned to the offense, and an exemplary punishment of the Pensionary, Van Berckel, and of his accomplices, as disturbers of the public peace and violators of the law of nations."⁴

The States General replied that the subject should be investigated as soon as the laws would permit. John Adams intimated his opinion that this peremptory demand was "adjusted to the state of parties and politics in the Republic;" and he added, "be this as it may, * the publication of Mr. Laurens's papers has had a contrary effect from what they expected and intended."⁵ On the receipt of the reply of the

¹ Ib., 606-624. ² Ib., vol. 3, 221. ³ Ib., 273. ⁴ Ib., 269. ⁵ Ib., 274.

States General the British Minister renewed his demand in still more haughty language. He reminded the States General that "the question is concerning a complaint made by an offended Sovereign,"¹ and that if they did not punish the offenders, the King would take charge of it himself.² Before he wrote thus, orders had been dispatched to him from London to leave the Hague. As soon as he received them he left Holland; and the year 1781 opened with what was virtually a state of war between the Netherlands and Great Britain.

Adams made skillful use of these events. The constitution of the government of the United Provinces made it impossible to move rapidly. It was necessary to consult each Province before a Treaty could be concluded.³ By the 1st of March, 1781, Adams thought that Friesland had "taken the provincial resolution to acknowledge the independence of America."⁴ In the following December the Quarter of Oostergo in that province proposed a connection with the United States.⁵ In February, 1782, Adams writes: "Friesland has at last taken the provincial resolution to acknowledge the independence of which United America is in full possession."⁶ On the 19th of March he communicates in detail the action of the various provinces.⁷ On Monday, the 22d of April, the States General declare "that the said Mr. Adams is agreeable to their High Mightinesses, and that he shall be acknowledged in quality of Minister Plenipotentiary,"⁸ and on the same day he is officially received by the Stadtholder.⁹ On the following day he makes proposal to negotiate a treaty of amity and commerce,¹⁰ and in the evening he meets the Diplomatic Corps at a dinner given by the French Minister in his honor. He quaintly informs Robert Livingston, then Secretary for Foreign Affairs, that there being no etiquette to "hinder a minister from making a good dinner in good company," all were present; and that he was as happy as he should have been if he "had been publicly acknowledged a Minister by every one of them."¹¹

With all this good-will the Treaty moved slowly. In June he writes, "I do not expect this Treaty will be finished and signed in less than three months."¹² Four months, less one day, passed before it was signed.¹³ But meanwhile Adams had been able to bring to a successful termination the other object of his instructions, which he had rightly conjectured could not be obtained until a Treaty was assured. He had engaged to open "a loan for five millions of guilders," of which he thought it doubtful whether a million and a half would be obtained by the following Christmas.¹⁴

The circumstances through which this Treaty of 1782, negotiated under so great difficulties, ceased to be operative, are related under the Title "Abrogated, suspended, or obsolete Treaties."¹⁵

¹ *Ib.*, 278. ² *Ib.*, 279. ³ *Ib.*, 257. ⁴ *Ib.*, 321. ⁵ *Ib.*, 511. ⁶ *Ib.*, 552. ⁷ *Ib.*, 562. ⁸ *Ib.*, 604. ⁹ *Ib.*, 605. ¹⁰ *Ib.*, 606. ¹¹ *Ib.*, 607. ¹² *Ib.*, 617. ¹³ *Ib.*, 671. ¹⁴ *Ib.*, 622. ¹⁵ See 5 F. R. F., 590-629, and 6 *Ib.*, 374 and 384.

NEUTRALS.

The United States have embodied in one series of Treaties, provisions respecting the rights of neutrals in time of war; in other Treaties they have contracted engagements respecting the duties of neutrals towards belligerents.

1. Rights of neutrals.

The early Treaties of the United States were framed under the influence of the ideas which prevailed at the time of the "armed neutrality." Those Treaties, and many others concluded by us, gave competent authority to doctrines which, though disregarded in the general wars consequent upon the French Revolution, have since been assented to by many of the great European Powers in treaties between themselves. (1.) That blockades should not be regarded as effective unless maintained by sufficient force. (2.) That a vessel approaching a blockaded port in ignorance of the blockade is entitled to warning, and to be allowed to retire after notice, if not carrying contraband of war. (3.) That neutrals should have full liberty of loading, (except in contraband,) in enemy's ports not blockaded. (4.) That free ships make free goods. (5.) That free ships protect the persons of enemies, unless officers or an armed force. A reference to the analytical index, Titles "*Neutrals*" and "*Neutral Vessels*," will show with what countries such treaty stipulations have been made by us.

The Treaties of November 10, 1858, with Chili; of March 28, 1830, with Denmark; of April 30, 1803, and July 4, 1831, with France; of November 19, 1794, and May 8, 1871, with Great Britain; and of October 14, 1832, with the Two Sicilies, recognize the duties of belligerents to make compensation to the citizens or subjects of neutrals for losses occasioned by acts done by the belligerent in violation of the principles of international law. For the efforts which have been made by the United States to secure the exemption from capture of property on the high seas, see House Ex. Doc. No. 111, 1st Sess. 33d Cong. For correspondence showing the action of certain European Powers, at the opening of the Crimean war, with respect to the rights accorded to neutrals and those claimed by belligerents, see House Ex. Doc. No. 103, 1st Sess. 33d Cong.

2. Duties of Neutrals.

The Treaty of Amity and Commerce of 1778 with France recognizes the duty of a neutral to protect vessels of a belligerent within its jurisdiction.¹ The analytical index will show with what other Powers this engagement has been made. The United States attempted to enforce the same obligation against Portugal in the absence of a Treaty. The general duty was recognized, but the liability in the particular case was not maintained.²

¹ Art. VI. ² See post "*Portugal*."

In 1794 Jay's Treaty recognized the obligation of a neutral to make compensation to the subjects or citizens of a belligerent who had "sustained loss and damage, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the neutral, and brought into the ports of the same, or taken by vessels originally armed in the ports of the neutral."¹

The Treaty of Washington of May 8, 1871, contains three rules respecting the duties of neutrals in a maritime war.

In the Arbitration, which took place at Geneva, the main contentions on each side, and the decisions, so far as any were given, were as follows:

I. The United States contended that the three rules were in force before the Treaty was made.² Great Britain denied this, both in the Treaty, and in the papers submitted at Geneva.³ In the British Counter Case it was said: "These rules go beyond any definition of neutral duty which, up to that time, had been established by the law or general practice of nations."⁴ The Tribunal did not notice this point; but Mr. Gladstone, in the House of Commons, on the 26th day of May, 1873, said with respect to it: "Were they, as regards us, an *ex post facto* law? I say they were not. We deemed that they formed part of the international law at the time the claims arose."⁵

II. The United States contended that the Government of Great Britain, by its indiscreet haste in counselling the Queen's proclamation recognizing the insurgents as belligerents, by its preconceived joint action with France respecting the declarations of the Congress of Paris, by its refusal to take steps for the amendment of its neutrality laws, by its refraining for so long a time from seizing the rams at Liverpool, by its conduct in the affair of the Trent, and by its approval of the course of its colonial officers at various times—and that the individual members of the Government, by their open and frequent expressions of sympathy with the insurgents, and of desires for their success—had exhibited an unfriendly feeling, which might affect their own course, and could not but affect the action of their subordinates; and that all this was a want of the "due diligence" in the observance of neutral duties which is required at once by the Treaty and by international law. They also contended that such facts, when proved, imbued with the character of culpable negligence many acts of subordinates in the British service for which, otherwise, the Government might not be held responsible; as, for instance, acts of the collector of customs at Liverpool respecting the Florida and the Alabama; acts of the authorities at Nassau respecting the arming of the Florida at Green Cay, and subsequently respecting her supplies of coal; acts of the authorities at Bermuda respecting the Florida; and acts of the authorities at Melbourne respecting the Shen-

¹ Art. VII: See "*Great Britain*." ² 1 Pap. rel. Tr. W., 63. ³ *Ib.*, 210, 238. ⁴ *Ib.*, 216.
⁵ London Times, May 27, 1873.

andoah. They further contended that there were many such acts of subordinates which, taken individually, and by themselves, would not form a just basis for holding culpable a Government which was honestly and with vigilance striving to perform its duty as a neutral; but which, taken in connection with each other, and with the proofs of animus which were offered, established culpability in the government itself.¹

The mode of stating the contentions on each side in these proceedings was peculiar. The two parties were, by the Treaty, required to deposit their Cases simultaneously; also in like manner their Counter-cases, (each of which was to be a reply to the Case of the other,) and their Arguments on the Cases, Counter-cases, and evidence. When, therefore, the theory of the attack in the Case of the United States was developed, the theory of the defence in the Case of Great Britain was developed simultaneously. In respect of the necessity of bringing home to the government itself the acts of the subordinates, it was identical in theory with the case of the United States. It said, "A charge of injurious negligence on the part of a sovereign government, in the exercise of any of the powers of sovereignty, needs to be sustained on strong and solid grounds. Every sovereign government claims the right to be independent of external scrutiny or interference in its exercise of these powers; and the general assumption that they are exercised with good faith and reasonable care, and that laws are fairly and properly administered—an assumption without which peace and friendly intercourse could not exist among nations—ought to subsist until it has been displaced by proof to the contrary. It is not enough to suggest or prove that a government, in the exercise of a reasonable judgment on some question of fact or law, and using the means of information at its command, has formed and acted on an opinion from which another Government dissents or can induce an arbitrator to dissent. Still less is it sufficient to show that a judgment pronounced by a court of competent jurisdiction, and acted upon by the Executive, was tainted with error. An administrative act founded on error, or an erroneous judgment of a court, may, indeed, under some circumstances, found a claim to compensation on behalf of a person or Government injured by the act or judgment. But a charge of negligence brought against a Government cannot be supported on such grounds. Nor is it enough to suggest or prove some defect of judgment or penetration, or somewhat less than the utmost possible promptitude and celerity of action, on the part of an officer of the Government in the execution of his official duties. To found on this alone a claim to compensation, as for a breach of international duty, would be to exact, in international affairs, a perfection of administration which few Governments or none attain in fact, or could reasonably hope to attain, in their domestic concerns; it would set up an impracticable, and therefore an unjust and fallacious standard,

¹ 4 Pap. rel. Tr. W., 2-3.

would give occasion to incessant and unreasonable complaints, and render the situation of neutrals intolerable. Nor, again, is a nation to be held responsible for a delay or omission occasioned by mere accident, and not by the want of reasonable foresight or care. Lastly, it is not sufficient to show that an act has been done which it was the duty of the Government to endeavor to prevent. It is necessary to allege and to prove that there has been a failure to use, for the prevention of an act which the Government was bound to endeavor to prevent, such care as Governments ordinarily employ in their domestic concerns, and may reasonably be expected to exert in matters of international interest and obligation. These considerations apply with especial force to nations which are in the enjoyment of free institutions, and in which the Government is bound to obey, and cannot dispense with, the laws."¹

III. It was maintained in the American Case that the diligence of the neutral should "be proportioned to the magnitude of the subject, and to the dignity and strength of the power which is to exercise it," (page 158,) and that it should be "gauged by the character and magnitude of the matter which it may affect, by the relative condition of the parties, by the ability of the party incurring the liability to exercise the diligence required by the exigencies of the case, and by the extent of the injury which may follow negligence," (page 152.)

On the other side it was said, "Her Majesty's Government knows of no distinction between more dignified and less dignified powers; it regards all sovereign States as enjoying equal rights, and equally subject to all ordinary international obligations; and it is firmly persuaded that there is no State in Europe or America which would be willing to claim or accept any immunity in this respect, on the ground of its inferiority to others in extent, military force, or population."² "Due diligence on the part of a sovereign government signifies that measure of care which the Government is under an international obligation to use for a given purpose. This measure, where it has not been defined by international usage or agreement, is to be deduced from the nature of the obligation itself, and from those considerations of justice, equity, and general expediency on which the law of nations is founded. The measure of care which a Government is bound to use in order to prevent within its jurisdiction certain classes of acts, from which harm might accrue to foreign States or their citizens, must always (unless specifically determined by usage or agreement) be dependent, more or less, on the surrounding circumstances, and cannot be defined with precision in the form of a general rule. It would commonly, however, be unreasonable and impracticable to require that it should exceed that which the governments of civilized States are accustomed to employ in matters concerning their own security or that of their own citizens."³ The Tribunal, in its award,

¹ British Case, pp. 166-7, repeated in British Argument sec. 114, printed in 1 Pap. rel. Tr. W., 412, and 3 Ib., 304. ² 4, Ib., 8-9. ³ 1 Ib., 237-8.

said, "The due diligence referred to in the first and third of the said rules ought to be exercised by neutral governments in exact proportion to the risks to which either of the belligerents may be exposed, from a failure to fulfil the obligations of neutrality on their part; and the circumstances out of which the facts constituting the subject-matter of the present controversy arose were of a nature to call for the exercise on the part of Her Britannic Majesty's Government of all possible solicitude for the observance of the rights and duties involved in the proclamation of neutrality issued by Her Majesty on the 13th day of May, 1861."¹

IV. "It was maintained in the American Case that, by the true construction of the second clause of the first rule of the Treaty, when a vessel like the *Florida*, *Alabama*, *Georgia*, or *Shenandoah*, which has been especially adapted within a neutral port for the use of a belligerent in war, comes again within the neutral's jurisdiction, it is the duty of the neutral to seize and detain it. This construction was denied by Great Britain. It was maintained in the British papers submitted to the Tribunal that the obligation created by this clause refers only to the duty of preventing the original departure of the vessel, and that the fact that the vessel was, after the original departure from the neutral port, commissioned as a ship of war, protects it against detention. To this point it was rejoined that a commission is no protection against seizure in such case, and does not operate to release the neutral from the obligation to detain the offender." In the award the Tribunal says that: "The effects of a violation of neutrality committed by means of the construction, equipment, and armament of a vessel are not done away with by any commission which the Government of the belligerent power, benefited by the violation of neutrality, may afterward have granted to that vessel; and the ultimate step by which the offence is completed cannot be admissible as a ground for the absolution of the offender, nor can the consummation of his fraud become the means of establishing his innocence. The privilege of extritoriality, accorded to vessels of war, has been admitted into the law of nations, not as an absolute right, but solely as a proceeding founded on the principle of courtesy and mutual deference between different nations, and, therefore, can never be appealed to for the protection of acts done in violation of neutrality."²

V. "It was maintained in the American Case that the liability of Great Britain should be measured by the rules of international law, and that it could not be escaped by reason of any alleged deficiencies in any internal legislation. The award says the Government of Her Britannic Majesty cannot justify itself for a failure in due diligence on the insufficiencies of the legal means of action which it possessed."³

VI. "It was maintained in the American Case that the proofs showed that the insurgent cruisers were permitted to supply themselves with

¹ 4 *Ib.*, 50. ² *Ib.*, 10-11. ³ *Ib.*, 12.

coal in British ports in greater quantities, and with greater freedom, and with less restrictions than were imposed upon the United States; and it was insisted that, in consequence of these facts, there was an absence of neutrality, which made those ports the bases of hostile operations against the United States under the second rule of the Treaty. On this point the award says that 'In order to impart to any supplies of coal a character inconsistent with the second rule, prohibiting the use of neutral ports or waters as a base of naval operations for a belligerent, it is necessary that the said supplies should be connected with special circumstances of time, of persons, or of place, which may combine to give them such character.' 'It does not appear by the terms of the award that Great Britain is held responsible for the acts of any vessel solely in consequence of illegal supplies of coal. The question is, therefore, a speculative one, so far as relates to this controversy. The opinions of the four arbitrators who signed the award furnish, however, the explanation of what they mean, when they speak of 'special circumstances of time, of persons, or of place.' Mr. Adams says: 'I perceive no other way to determine the degree of responsibility of a neutral in these cases, than by an examination of the evidence to show the *intent* of the grant in any specific case. Fraud or falsehood in such a case poisons everything it touches. Even indifference may degenerate into wilful negligence, and that will impose a burden of proof to relieve it before responsibility can be relieved.' Count Sclopis says: 'I will not say that the simple fact of having allowed a greater amount of coal than was necessary to enable a vessel to reach the nearest port of its country constitutes in itself a sufficient grievance to call for an indemnity. As the Lord Chancellor of England said, on the 12th of June, 1871, in the House of Lords, England and the United States equally hold the principle that it is no violation of the law of nations to furnish arms to a belligerent. But if an excessive supply of coal is connected with other circumstances which show that it was used as a veritable *res hostilis*, then there is an infraction of the second article of the Treaty. * * * Thus, for example, when I see the Florida and the Shenandoah choose for their fields of action, the one the stretch of sea between the Bahama archipelago and Bermuda, to cruise there at its ease, and the other Melbourne and Hobson's Bay, for the purpose, immediately carried out, of going to the Arctic Seas, there to attack the whaling vessels, I cannot but regard the supplies of coal in quantities sufficient for such services infractions of the second rule of Article VI. Mr. Stämpfli says of the Sumter: 'The permission given to the Sumter to remain and to take in coal at Trinidad does not of itself constitute a sufficient basis for accusing the British authorities of having failed in their duties as neutrals, because the fact cannot be considered by itself, since the Sumter both before and after that time was admitted into the ports of many other States, where it staid and took in coal, * * * so that it cannot be

held that the port of Trinidad served as a base of operations.' But of the *Shenandoah* he says: 'A supply of coal was not a necessary condition of neutral asylum, and in supplying her with so large a quantity of coal, the capacity of the ship for making war was increased just as much as by the recruitment of her crew which took place.' The Viscount d'Itajuba, at the thirty-first conference, while signing the decision, remarked with regard to the recital concerning the supply of coals, that he is of the opinion that every government is free to furnish to the belligerents more or less of that article."¹

The manner in which the United States had performed their duties as a neutral was made the subject of extended comment by both sides in these proceedings. The United States were arraigned in the case of Great Britain;² in the British Counter Case;³ in the British argument;⁴ in Sir Roundell Palmer's supplemental argument.⁵ In their Counter Case they met the allegations of Great Britain,⁶ and they attached to it a mass of historical documents in support of their denial;⁷ and their Counsel discussed the subject at length in the argument.⁸

NICARAGUA.

Nicaragua controls one of the apparently feasible interoceanic canal routes. The engagements with Great Britain respecting this will be found referred to under the title "*Great Britain*." The engagements with Nicaragua are to be found ante, 627-637.⁹

OTTOMAN PORTE.

Various attempts were made prior to 1830 to negotiate a Treaty of Amity and Commerce with the Ottoman Porte.¹⁰ These efforts began in 1817, before which time American commerce in Turkish Dominions had been "under the protection of the English Levant Company, for whose protection a consulate duty, averaging one and one-fourth per cent. on the value of cargoes inward and outward, was paid."¹¹ On the 12th of September, 1829, full power was conferred upon Commodore Biddle, in command of the Mediterranean squadron, David Offley, Consul at Smyrna, and Charles Rhind, of Philadelphia, jointly and severally, to conclude a Treaty. They were instructed to make a commercial Treaty upon the most favored nation basis,¹² and they were referred to previous negotiations by Offley, in which he had been instructed to "be careful to provide that the translation shall be correct, and such as will be received on both sides as of the same import."¹³

¹ *Ib.*, 11-12. ² *Ib.*, 233-244. ³ *Ib.*, 234-263. ⁴ *Ib.*, 269. ⁵ *Ib.*, 405 and 414-422. ⁶ *Ib.*, 433. ⁷ 1, 2, *Ib.* ⁸ *Ib.*, 28-48. ⁹ See also S. E. Docs. 8 and 13, 1st Sess. 33d Cong. ¹⁰ H. E. Doc. 250, Treas. Dept., and 303 State Dept., and 250 H. E., 1st Sess. 22d Cong. ¹¹ Offley to Van Buren, 7 June, 1830, MS. Dept. of State. ¹² H. E. Doc. 250, Treas. Dept., 1st Sess. 22d Cong., 69-73. ¹³ *Ib.*, 65.

Rhind made a great mystery of leaving America. He sailed at night in a packet for Gibraltar, where he joined Biddle, and they proceeded together to Smyrna; but when Offley came on board in that port he informed them that it "was perfectly well known in Smyrna that they were Commissioners."

Rhind expressed his disappointment. It was then agreed that he should go alone to Constantinople and commence the negotiations, while his colleagues waited at Smyrna. He proceeded there and presented his letters of credence. After these ceremonies were over he submitted a draft of a Treaty to the Reis Effendi.¹ Some days later he was shown the Turkish text of a Treaty, and was told by the Reis Effendi that it was "drawn up in strict conformity with the one which he had submitted,"² and on the 7th of May the Treaty of 1830 was signed, the Turkish text being signed by the Reis Effendi, as it had been prepared by him, and the French text being signed by Rhind after examination and comparing it with the Turkish. A secret and separate article was also signed at the same time respecting the building of ships and purchase of ship-timber in the United States. Rhind then dispatched a special messenger to summon his colleagues to Constantinople.

When they arrived, and were made acquainted with the separate article, they disapproved of the latter; but rather than lose the Treaty they signed both the Treaty and the separate article in French and informed the Secretary of State of the reasons for their course.³ This caused a great breach between them and Rhind.

The Senate approved of the Treaty itself, but rejected the separate article. David Porter was then commissioned as *chargé d'affaires*, and was empowered to exchange the ratifications of the Treaty, and to explain the rejection of the separate article. When he arrived in Constantinople he was met with complaints at the rejection of the separate article by the Senate. Then he reports that a discussion was had "on the return of the translation made at Washington, instead of the one signed at Constantinople."⁴ It appears from the archives of the Department of State that four translations were sent to America: (1) An English translation from the original Turkish, not verified; (2) a French translation from the original Turkish verified by Navoni, the American dragoman; (3) another French translation in black ink with annotations in red ink; (4) another English translation made from the French. The translation which went before the Senate and was acted on by that body was neither of these. No French version appears to have been transmitted to the Senate with the Turkish text, but a new English version, which, from internal evidence as well as from the tradition of the Department, may be assumed to have been made in the Department of State, mainly from the French version No. 3. Whether this be so or

¹ Ib., 89. ² Ib., 93. ³ Ib., 95; also MS. Dept. of State. ⁴ Porter's dispatch No. 22, Sept. 26, 1831, MS. Dept. of State.

not, it is certain that the French translation signed by Biddle and his colleagues was not the version which was submitted to the Senate, and which, after ratification, was offered in exchange at Constantinople.

Porter met the difficulty by signing a paper in Turkish of which he returns to Washington the following as a translation: "Some expressions in the French translation of the Turkish instrument exchanged between the plenipotentiaries of the two contracting parties, and which contains the articles of the Treaty of Commerce, concluded between the Sublime Porte and the United States of America, not being perfectly in accordance with the Turkish original, a circumstance purely the effect of translation, and the Government of the United States being satisfied with the Turkish Treaty, and having accepted it without the reserve of any word; therefore, on every occasion the above instrument shall be strictly observed, and if, hereafter, any discussion should arise between the contracting parties, the said instrument shall be consulted by me and by my successors to remove doubts."¹

This was received at the Department of State on the 5th of December, 1831, and there is no evidence that the act was disapproved. An item was inserted in the appropriation bill to enable the President to carry out the provisions of the Treaty. Porter's dispatches were placed at the service of the Committee of Foreign Affairs of the House,² the subject of the appropriation was discussed in the House,³ and the appropriation was passed.⁴

No question arose respecting the differences between the versions until 1868, when the Turks claimed jurisdiction over two American citizens, arrested and imprisoned by the Turkish authorities in Syria, for alleged offences against the Ottoman government. This claim of jurisdiction over American citizens was resisted by E. Joy Morris, the American Minister, who referred to that part of the 4th article of the Treaty of 1830 which provides that "even when they may have committed some offense, they shall not be arrested and put in prison by the local authorities; but they shall be tried by their Minister or Consul, and punished according to their offense." The Minister for Foreign Affairs replied that the translation was incorrect; that the words "they shall be tried by their Minister or Consul, and punished according to their offense," and the words "they are not to be arrested," were not to be found in the Turkish text; and he cited Porter's declaration in support of his claim that the Turkish text should be accepted as the standard. Morris then, under instructions, secured, through the Russian Ambassador, translations to be made from the Turkish text in Constantinople by the first dragoman of the Prussian Legation, by the first and second dragoman of the Russian Embassy, and by two former dragomen of the Russian Embassy, and sent them to the Department of State. In no one of these were

¹ Porter's No. 22, Sept. 26, 1831, MS. Dept. of State. ² H. E. Doc. 303, 1st Sess. 22d Cong. ³ 8 Debates, 2186-2198. ⁴ 4 St. at L., 513.

found the words objected to by the Minister for Foreign Affairs, nor any equivalent. Mr. Fish then instructed Morris that the President had "determined to submit the facts to the consideration of the Senate, and await its resolution before inaugurating any diplomatic action." This was done.¹

In 1862 a new Treaty of amity and commerce was concluded. Mr. Seward wrote to the negotiator, (E. Joy Morris,) "Seeing no cause to question the justice or the expediency of the Treaty you have negotiated, I have the President's instructions to submit the same to the Senate for its consideration."²

In 1855, before question was made of the genuineness of the translation from the original Turkish of the Treaty of 1830, Attorney-General Cushing held that citizens of the United States enjoyed the privilege of extraterritoriality in Turkey, Egypt, Tripoli, Tunis, and Morocco.³

And Attorney-General Black held that the Consuls had judicial powers only in criminal cases.⁴

PERSIA.

The Treaty with Persia was negotiated at Constantinople. "On the negotiation * the sum of ten thousand dollars was expended through the Legation in gifts, under the authority of the Department."⁵

The provisions for carrying into effect the judicial parts of it are referred to under the title "CONSULS."

PERU.

[*See Claims.*]

On the 9th of December, 1862, Mr. Barreda, the Peruvian Minister at Washington, wrote to Mr. Seward—

"El infrascripto, ministro residente del Perú, tiene el honor de informar á S. E. el secretario de estado de los Estados Unidos, que ha recibido órdenes de su gobierno para notificar al de la union que el del Perú, en uso de la facultad que le concede el parágrafo primero del artículo cuarenta del tratado de amistad, comercio y navegacion, celebrado en Lima el dia 26 de Julio de 1851, y cuyas ratificaciones fueron canjeadas en Washington el 16 de Julio de 1852, declara; que el referido tratado concluirá y terminará enteramente, un año despues de la fecha de la presente notificacion.

"El infrascripto ha recibido tambien órden espresa de su gobierno para manifestar al de S. E. el secretario de estado de los estados Unidos, que este procedimiento no envuelve en manera alguna la intencion

¹ S. E. Conf. E., 2d Sess. 41st Cong. ² D. C., 1862, 783. ³ 7 Op. At.-Gen., 565. ⁴ 9 Op. At.-Gen., 296. ⁵ E. Joy Morris to Seward, Feb. 25, 1862, MS. Dept. of State.

de interrumpir las cordiales relaciones que ecsisten entre los dos países; su objeto es unicamente devolver á estos su plena libertad, bien para declarar subsistente ese tratado, ó para negociar otro que sea mas conveniente á los intereses de ambas naciones."¹

Mr. Seward replied on the 15th of the same month, "The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Señor F. L. Barreda, Minister Resident of the Republic of Peru, of the 9th instant, in which, pursuant to instructions received from his Government, notice is given of its intention to terminate and conclude the Treaty of 26 July, 1851, between the United States and Peru, within one year from the date of this notification, which is not intended as an indication of any disposition on the part of Peru to interrupt the cordial relations now existing, but merely to leave the two Governments at liberty either to declare the continuance of the present Treaty, or to negotiate another more conducive to mutual interests.

"The Government of the United States cannot but be gratified that that of Peru has taken this step, in order that it may be free to enter into conventional stipulations of the most liberal character, if it should be found more expedient to frame a new than to continue in force the existing Treaty; he, therefore, contents himself with acknowledging the receipt of this official notification, assuring Mr. Barreda that the Government of the United States will promptly respond to the liberal and enlightened intentions of Peru in the adoption of such measures as may be deemed most productive of those cordial relations which it is equally the interest as it is undoubtedly the object of both to maintain."²

PORTUGAL.

The destruction of the American armed brig "General Armstrong" by a British man-of-war, in the harbor of Fayal, in 1814, gave rise to a

¹ MS. Dept. of State. "The undersigned, Minister Resident of Peru, has the honor to inform His Excellency the Secretary of State of the United States, that he has received orders from his Government to notify that of the United States, that that of Peru, in use of the authority which the first paragraph of Article forty of the Treaty of Friendship, Commerce, and Navigation concedes to it, concluded at Lima, on the 26th day of July, 1851, and the ratifications of which were exchanged at Washington, on the 16th of July, 1852, declares that the said Treaty shall altogether cease and determine on the expiration of one year from the present notice.

"The undersigned has also received from his Government the express order to make known to that of His Excellency the Secretary of State of the United States, that this measure does not in any manner involve the intention of interrupting the cordial relations which exist between the two countries, its purpose being to restore to them their full liberty, either to declare this treaty in force, or to negotiate another which may be more advantageous to the interests of both nations." ² MS. Dept. of State.

long-continuing correspondence,¹ which resulted, in 1851, in an agreement to refer the claims growing out of it to "the arbitrament of a sovereign, potentate, or chief of some nation in amity with both the high contracting parties."² The President of the French Republic (afterwards Napoleon III) was selected as the arbiter. This decision was adverse to the United States.³

¹ H. E. Doc. 53, 1st Sess. 32d Cong. ² Ante, 705.

³ S. E. Doc. 24, 2d Sess. 32d Cong. The following is a translation of the material parts of the decision :

"Considering that it is clear, in fact, that the United States were at war with Her Britannic Majesty, and Her Most Faithful Majesty preserving her neutrality, the American brig *The General Armstrong*, commanded by Captain Reid, legally provided with letters of marque, and armed for privateering purposes, having sailed from the port of New York, did, on the 26th of September, 1814, cast anchor in the port of Fayal, one of the Azores Islands, constituting part of Her Most Faithful Majesty's dominions;

"That it is equally clear that, on the evening of the same day, an English squadron, commanded by Commodore Lloyd, entered the same port;

"That it is no less certain that, during the following night, regardless of the rights of sovereignty and neutrality of Her Most Faithful Majesty, a bloody encounter took place between the Americans and the English; and that on the following day, the 27th of September, one of the vessels belonging to the English squadron came to range herself near the American privateer for the purpose of cannonading her; that this demonstration, accompanied by the act, determined Captain Reid, followed by his crew, to abandon his vessel, and to destroy her;

"Considering that if it be clear that, on the night of the 26th of September, some English long-boats, commanded by Lieutenant Robert Fausset, of the British navy, approached the American brig *The General Armstrong*, it is not certain that the men who manned the boats aforesaid were provided with arms and ammunition;

"That it is evident, in fact, from the documents which have been exhibited, that the aforesaid long-boats, having approached the American brig, the crew of the latter, after having hailed them and summoned them to be off, immediately fired upon them, and that some men were killed on board the English boats, and others wounded—some of whom mortally—without any attempt having been made on the part of the crew of the boats to repel at once force by force;

"Considering that the report of the governor of Fayal proves that the American captain did not apply to the Portuguese government for protection until blood had already been shed, and, when the fire had ceased, the brig *General Armstrong* came to anchor under the castle at a distance of a stone's-throw; that the said governor states that it was only then that he was informed of what was passing in the port; that he did, on several occasions, interpose with Commodore Lloyd, with a view of obtaining a cessation of hostilities, and to complain of the violation of a neutral territory;

"That he effectively prevented some American sailors, who were on land, from embarking on board the American brig for the purpose of prolonging a conflict which was contrary to the law of nations;

"That the weakness of the garrison of the island, and the constant dismantling of the forts, by the removal of the guns which guarded them, rendered all armed intervention on his part impossible;

"Considering, in this state of things, that Captain Reid, not having applied from the beginning for the intervention of the neutral sovereign, and having had recourse to arms in order to repel an unjust aggression of which he pretended to be the object, has thus failed to respect the neutrality of the territory of the foreign sovereign, and

It has been held by the Supreme Court that the Treaty of August 26, 1840, did not restrict either government from imposing discriminating duties on merchandise not the growth or production of the nation of the vessel carrying the same into the port of the other nation.¹

PRUSSIA.

Overtures for a Treaty of Commerce and Navigation were made to John Adams by M. de Thulemeier, Prussian Envoy to the Hague, on the 18th of February, 1784.² Adams replied that he "could do nothing but in concurrence with Mr. Franklin and Mr. Jay, who were at Paris," but that he thought he could answer for the good disposition of those gentlemen, as well as of his own."³ Franklin and Jay concurred in desiring to negotiate such an instrument, and Adams proposed to Thulemeier that the then recently negotiated Treaty with Sweden should be taken as the model of the proposed instrument. Thulemeier adopted the suggestion, and in the following April sent Adams a *projet* based upon it, which Adams transmitted to the President of Congress.⁴

On the 7th of the following June, Adams transmitted to the President of Congress an account of the negotiations, with his observations upon the Prussian *projet*.⁵ On the 3d of that month, however, Adams, Franklin, and Jefferson had been invested by Congress with a general power to conclude Treaties of Amity and Commerce with various Powers in Europe, among others with Prussia;⁶ and they notified Thulemeier that they were ready "to consider and complete the plan of a Treaty" which he had already transmitted.⁷

Thulemeier communicated this to his Government, and received a "full power to conclude a Treaty of Commerce and Friendship between Prussia and the United States."⁸ The negotiations were conducted with great rapidity, under the circumstances.⁹ Franklin left Passy on the 12th of July, 1785, for America.¹⁰ The French text of the Treaty at the time of his signature had not reached Paris, and he signed only the English text.¹¹ The French draught reached Paris several days later, and was copied, by Jefferson's directions, into the instruments which

released that sovereign of the obligation in which he was, to afford him protection by any other means than that of a pacific intervention;

"From which it follows that the government of Her Most Faithful Majesty cannot be held responsible for the results of the collision which took place in contempt of her rights of sovereignty, in violation of the neutrality of her territory, and without the local officers or lieutenants having been required in proper time, and enabled to grant aid and protection to those having a right to the same;

"Therefore we have decided, and we declare, that the claim presented by the Government of the United States against Her Most Faithful Majesty has no foundation, and that no indemnity is due by Portugal in consequence of the loss of the American brig *The General Armstrong*, armed for privateering purposes."

¹ *Oldfield vs. Marnott*, 10 How., 146. ² 1 D. C., 1783-9, 435. ³ *Ib.*, 442, et seq. ⁴ *Ib.*, 458, et seq. ⁵ *Ib.*, 501. ⁶ *Ib.*, 505. ⁷ *Ib.*, 519. ⁸ *Ib.*, 554-561, 578-582, and 593.

⁹ 10 Franklin's Works, 213. ¹¹ 1 Jefferson's Works, 359.

Franklin had signed. Then Jefferson signed the documents, and Short took them to Adams, in London, for his signature.¹ Short then went to the Hague to secure Thulemeier's signature to the Treaty, and its exchange.²

On the 11th of July, 1799, when this was about to expire by its own limitation, a new Treaty was concluded by John Quincy Adams, at Berlin, which his father, the President, communicated to Congress on the 22d of November, 1800.³ This also expired in ten years from the exchange of ratifications, in the midst of the wars of Napoleon.

In 1828 a new Treaty of Amity and Commerce with Prussia was concluded, which is still in force. The fourteenth article makes provision for the disposition and the succession of both personal and real estate in each country by citizens of the other. Attorney-General Cushing said of this, there "is a stipulation of Treaty, constitutional in substance and form; which, as such, is the supreme law of the land; and which abrogates any incompatible law of either of the States. * * In the circumstances suggested by the Baron von Gerolt, it is an act of mere duty and of simple good faith on our part to assure him that such is the law."⁴

This Treaty conferred upon consuls jurisdiction over disputes between masters and seamen. President Polk in his annual message, December 2, 1845, said, "The Prussian Consul at New Bedford, in June, 1844, applied to Mr. Justice Story to carry into effect a decision made by him between the captain and crew of the Prussian ship *Borussia*, but the request was refused on the ground that without previous legislation by Congress the judiciary did not possess the power to give effect to this article of the Treaty. * I have deemed it proper, therefore, to lay the subject before Congress, and to recommend such legislation as may be necessary to give effect to these Treaty obligations."⁵ No such act was passed until June 11, 1868.⁶

It was held by Attorney-General Evarts that the provisions of this Treaty respecting the arrest and imprisonment of deserters applies to public vessels sailing under the flag of the North German Union, and deserters from such vessels.⁷

On the outbreak of the Franco-German war, the German Minister at Washington informed Mr. Fish that private property on the high seas was to be exempted from seizure by German vessels without regard to reciprocity.⁸ Mr. Fish replied, "The Government of the United States receives with great pleasure the renewed adherence of a great and enlightened German Government to the principle temporarily established by the Treaty of 1785, and since then advocated by this Government whenever opportunity has offered."⁹

Before the formation of the North German Union,¹⁰ questions were

¹ *Ib.*, 365-366. ² 1 D. C., 1783-'89, 597. ³ 1 F. R. F., 54. ⁴ 8 Op. At.-Gen., 417. ⁵ H. E. Doc. 2, 1st Sess. 29th Cong., 15. ⁶ 13 St. at L., 121. ⁷ 12 Op. At.-Gen., 463. ⁸ F. R., 1870, 217. ⁹ *Ib.* ¹⁰ S. E. Doc. 9, 2d Sess. 40th Cong.

arising with Prussia, respecting the compulsory enlistment in the Prussian army of persons who had become naturalized as citizens of the United States.¹ These questions were intended to be set at rest by the Treaty of Naturalization with the North German Union.² Some doubts still remaining as to the proper construction of that Treaty, Prince Bismarck said, in the Diet, "The gentleman who has last spoken fears that a person who has lived five years in America, and been naturalized there, may yet, on his return here, be held to military duty. This apprehension I can designate as perfectly and absolutely unfounded. The literal observation of the Treaty includes in itself that those whom we are bound to acknowledge as American citizens cannot be held to military duty in North Germany. That is the main purpose of the Treaty. Whosoever emigrates *bona fide* with the purpose of residing permanently in America shall meet with no obstacle on our part to his becoming an American citizen, and his *bona fides* will be assumed when he shall have passed five years in that country, and, renouncing his North German nationality, shall have become an American citizen."³

RUSSIA.

The unbroken good relations between Russia and the United States happily furnish little material for "Notes."

The correspondence which was transmitted to the Senate with the Convention of 1824 may be found in volume 5 of the Folio Edition of the Foreign Relations, pages 432 to 471.

Russia, Great Britain, and the United States were each claimants of an indefinite coast line on the Pacific south of latitude 56°. The claims of Russia, which extended to the high seas, are thus stated in John Quincy Adams's instructions to Henry Middleton: "The pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude on the Asiatic Coast, to the latitude of fifty one north on the Western Coast of the American Continent, and they assume the right of interdicting the *navigation* and the fishery of all other nations to the extent of one hundred miles from the whole of that coast. The United States can admit no part of these claims.⁴ * They can in no wise admit the right of Russia to exclusive territorial possession on any part of the Continent of North America south of the 60th degree of North latitude. They will maintain the right of their citizens, enjoyed without interruption since the establishment of their independence, of free trade with the original natives of the Northwest Coast throughout its whole extent."⁵

The negotiations under these instructions were delayed under the

¹ S. E. Doc. 38, 1st Sess. 36th Cong. ; President's message May 2, 1860. ² Ante, 638.

³ S. E. Doc. 51, 2d Sess. 40th Cong. ⁴ 5 F. R. F., 436. ⁵ *Ib.*, 446.

supposition that Great Britain would take part in them. When Middleton had reason to suppose that separate negotiations were to take place between Great Britain and Russia, he made known to both sides the territorial rights of the United States.¹ Soon after that he began his negotiations with Nesselrode. At the first interview he found him, "as well disposed to treat with us as ever."² In less than two months from the beginning of the negotiations the Convention was signed.

The fourth article of this Treaty was to remain in force for ten years. At the expiration of that time the Russian Minister at Washington gave notice to the Secretary of State that American sea-captains were infringing upon what Russia regarded as her rights, and suggested that "the American public should be informed of the actual state of the relations on this subject," adding that he had been "ordered to invite the Government of the United States to take the most suitable measures with regard to it."³

Mr. Forsyth instructed negotiations to be opened at St. Petersburg for the purpose of an indefinite extension of the Treaty; but they proved to be fruitless. Nesselrode closed them by saying that it was "impossible for the Imperial Government to accede to the proposition. * The renewal of the fourth article could hardly contribute to extend, in a reciprocally useful manner, the commercial relations between Russia and the United States of America; or, by consequence, answer the constant solicitude of the Imperial Government to cement more and more, and in a mutual interest, the friendly intelligence which it is always happy to cultivate with the Government of the Union."⁴

These questions were set at rest by the cession of Alaska. The Treaty was communicated to Congress on the 6th of July, 1867, with a request for necessary legislation.⁵ The steps taken in the actual transfer of the ceded territory are set forth in the President's Message of January 27, 1868.⁶ A copy of the Treaty of cession, and of the correspondence relating to it, and other correspondence, with "information in relation to Russian America," including Mr. Sumner's speech, was communicated to the House on the 17th of February, 1868.⁷

The subject of the appropriation to carry out this Treaty was discussed at length in the House.⁸ The Chairman of the Committee on Foreign Affairs reported in favor of it.⁹ The act was at last passed on the 27th of July.¹⁰

SIAM.

The first Treaty with Siam was concluded by Edmund Roberts, already alluded to, who, on the 27th of January, 1832, was made the Agent

¹ *Ib.*, 458. ² *Ib.* ³ S. E. Doc. 1, 3d Sess. 25th Cong., 25-26. ⁴ *Ib.*, 70. ⁵ S. E. Doc. 17, 1st Sess. 40th Cong. ⁶ H. E. Doc. 125, 2d Sess. 40th Cong. ⁷ H. E. Doc. 177, 2d Sess. 40th Cong.; see also part 2 same doc. ⁸ *Globe*, 2d Sess. 40th Cong. ⁹ H. R. 37, 2d Sess. 40th Cong. ¹⁰ 15 Stat. L., 198.

of the President "for the purpose of examining, in the Indian Ocean, the means of extending the commerce of the United States by commercial arrangements with the Powers whose dominions border on those seas."¹

The second Treaty was communicated to Congress by President Buchanan on the 10th of December, 1858, with the recommendation of "an act for carrying into effect the provisions of Article II."² A general law for the purpose was passed in 1860.³

SPAIN.

The Preliminary Treaty of Fontainebleau, (1762,) between England, France, and Spain, contained the following stipulation respecting boundaries in America: Article VI: "Il est arrêté qu'à l'avenir les confins entre les états de s. m. britannique et ceux de s. m. *tr.-chrét.* en cette partie du monde, seront irrévocablement fixés par une ligne tirée au milieu du fleuve de *Mississippi*, depuis sa source jusqu'à la rivière d'*Iberville*; et delà par une ligne tirée au milieu de cette rivière et des lacs *Maurepas* et *Pontchartrain* jusqu'à la mer, et, à cette fin, le roi *très-chrétien* cède en toute propriété et garantit à s. m. brit. la rivière et le port de la *Mobile* et tout ce qu'il possède ou a dû posséder du côté gauche du fleuve de *Mississippi*, à l'exception de la *Nouvelle-Orléans* et de l'île dans laquelle elle est située, qui demeureront à la France. Bien entendu que la navigation du *Mississippi* sera également libre tant aux sujets de la *Grande-Bretagne* qu'à ceux de la *France*, dans toute sa largeur et dans toute sa longueur, depuis sa source jusqu'à la mer, et nommément dans cette partie qui est entre cette île et la rive droite du fleuve, aussi bien qu'à son entrée ou à sa sortie, par son embouchure." Article XIX: "S. m. *cath.* cède et garantit, en toute propriété, à s. m. *brit.* tout ce que l'*Espagne* possède sur le continent de l'*Amérique septentrionale* à l'est ou au *sud-est* du *Mississippi*." ⁴

¹ MS. Dept. of State. ² H. E. Doc. 8, 2d Sess. 35th Cong. ³ 12 St. at L., 72. ⁴ 1 Martens, Recueil de traités. Article VI: "It is agreed that in future the boundaries between the states of His Britannic Majesty and those of His Most Christian Majesty in that part of the world, shall be irrevocably fixed by a line drawn in the middle of the *Mississippi* River, from its source to the *Iberville* River; and thence by a line drawn in the middle of the latter river and of Lakes *Maurepas* and *Pontchartrain* to the sea; and, to this end, the *Most Christian* King cedes, in absolute ownership, and guarantees to his Britannic Majesty, the river and port of *Mobile*, and all that he possesses or ought to have possessed on the left side of the *Mississippi* River, with the exception of *New Orleans* and of the island on which it is situated, which shall continue to belong to France. It is understood that the navigation of the *Mississippi* shall be equally free to the subjects of *Great Britain* and to those of *France*, throughout its breadth and length, from its source to the sea, and especially in that part which is between that island and the right bank of the river, both at its entrance and at its outlet, through its mouth." Article XIX: "His *Catholic* Majesty cedes and guarantees, in absolute ownership, to his *Britannic* Majesty all that *Spain* possesses on the continent of *North America*, to the east or southeast of the *Mississippi*."

On the same day the Duc de Choiseul on the part of France, and the Marquis de Grimaldi on the part of Spain, signed the preliminary act for the cession of Louisiana and New Orleans to Spain, which was soon after ratified by the King of Spain. In this it was agreed that "Sa majesté très-chrétienne cède en toute propriété, purement et simplement, et sans aucune exception, à sa majesté catholique et à ses successeurs à perpétuité, tout le pays connu sous le nom de Louisiane, ainsi que la Nouvelle-Orléans, et l'île sur laquelle se trouve cette ville."¹

The provisional articles of Peace between the United States and Great Britain were dated Nov. 30, 1782, and describe the Western and Southern Boundaries thus: "Thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the 31st degree of north latitude; south by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator to the middle of the river Appalachicola, or Catahouche; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River, and thence down along the middle of St. Mary's River to the Atlantic Ocean."

The preliminary Articles of Peace between Great Britain and Spain were signed on the 20th of January, 1783. By the 3d article it was agreed "Sa majesté britannique cédera à sa majesté catholique la Floride orientale, et sa dite majesté catholique conservera la Floride occidentale."²

The definitive Treaties of Peace between Great Britain and Spain and between Great Britain and the United States were both signed on the same day, (Sept. 3, 1783,) the first at Versailles, the other at Paris.

Under these several Treaties the United States had a valid title to the right of navigation of the Mississippi, from its source to its mouth, and an equal right to the 31st parallel as a Southern boundary, except as departed from between the Flint River and the Atlantic Ocean.

But Spain at once began encroachments upon our territories. In 1784 she opened indirect negotiations with the Indians residing within those territories;³ in 1790 she opened direct negotiations with them, and divided with them the territory within what was afterwards the States of Mississippi and Alabama, as far north as Vicksburg, and established a station at Natchez,⁴ and on the 25th of May, 1793, she made up her mind to cast in her fortunes with England in the war against revolutionary France.⁵

¹ 8 Garden, 40. "His Most Christian Majesty cedes, in absolute ownership, purely and simply, and without any exception, to His Catholic Majesty and to his successors forever, all the country known by the name of Louisiana, including New Orleans and the island on which that city is situated." ² 3 Martens, Recueil, 511. "His britannic majesty shall cede eastern Florida to his catholic majesty, and his said catholic majesty shall retain western Florida." ³ 1 F. R. F., 278. ⁴ Ib., 280. ⁵ Ib., 277.

While these proceedings were going on Genet arrived in America from France, and began the hostile operations against Spain from the territories of the United States, which have been alluded to under the title "*France*." Jefferson was thoroughly persuaded that it would be impossible, under all those circumstances, to avoid a war with Spain. On the 2d of June, 1793, he wrote Madison: "There is, too, at this time a lowering disposition perceivable both in England and Spain. The former keeps herself aloof, and in a state of incommunication with us, except in the way of demand. The latter has not begun auspiciously with C. and S. at Madrid, and has lately sent 1,500 men to New Orleans, and greatly strengthened her upper posts on the Mississippi."¹ And on the 23d of the same month he again wrote Madison: "Spain is unquestionably picking a quarrel with us; a series of letters from her Commissioners here prove it. We are sending a courier to Madrid. The inevitableness of war with the Creeks, and the probability, I might say certainty, of it with Spain, (for there is not one of us who doubts it,) will certainly occasion your convocation, at what time I cannot exactly say, but you should be prepared for this important change in the state of things."²

The "C. and S." referred to in these letters were Carmichael and Short, the details of whose fruitless negotiations appear in the first volume of the Folio Edition of the Foreign Relations, pages 432 to 446. For other papers respecting "Spain" see the same volume, pages 247 to 288, and 454 to 460. See also, *ante*, "*France*," respecting Genet's operations.

From the middle of 1793 to the middle or close of 1794 the problem of preserving peace appeared to be difficult. Great Britain occupied military posts within the United States, on the northern frontier, and had pushed a garrison far south towards Cincinnati. Spain occupied Natchez and proposed to support the Indians who dwelt within what are now the States of Mississippi, Alabama, and a large part of Georgia, in maintaining their independence. The Indians in the Northwest were in open hostilities. Genet set the administration at defiance in the Atlantic States, and appealed to the nation to support him. Washington solved the difficulty by asking the recall of Genet, by sending Jay to London, and by ordering Thomas Pinckney to Madrid with full power and authority * "for and in the name of the United States to meet, confer, treat, and negotiate with the ministers, commissioners, deputies, or plenipotentiaries of his said Majesty, [the King of Spain;] being furnished with sufficient authority of and concerning the navigation of the river Mississippi; and such other matters relative to the confines of the territories of the United States and His Catholic Majesty, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require to be precisely adjusted and regulated; and of and concerning the general commerce

¹ 3 Jefferson's Works, 569. ² *Ib.*, 591.

between the United States and the Kingdoms and Dominions of His Catholic Majesty; and to conclude and sign a treaty or treaties, convention or conventions, thereon.⁷¹ He also had a separate power "to agree, treat, consult, and negotiate of and concerning all matters and causes of difference subsisting between the United States and his said Majesty, relative to the instructions of his said Majesty, or of any of the tribunals or authorities of his said Majesty, to his ships of war and privateers, of whatsoever date, as well as of and concerning restitution or compensation in the cases of capture or seizure made of the property of the citizens of the United States by the said ships of war and privateers, and retribution for the injuries received therefrom by any citizen of the United States; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises."⁷²

Pinckney arrived in Madrid on the 28th of June, 1795.³ Short, who was there as chargé, had written the Government that the moment was opportune for concluding a Treaty. Pinckney was met at the outset by a proposal for "a triple" alliance between France, Spain, and ourselves, which he declined.⁴ He also declined to guarantee the Spanish possessions in America.⁵ By the 10th of August the parties began to put their ideas on paper. The first projet for a Treaty came from Spain, and was handed Pinckney by the Prince of Peace before the 23d of September.⁶ On the 27th of October the parties signed a Treaty, which has formed the basis of the relations between Spain and the United States from that day to this.

It defined the southern boundary of the United States in accordance with the definitions in the Treaty with Great Britain. It conceded the navigation of the Mississippi, and gave us a right of deposit and storage for our produce at New Orleans. It embodied many of the leading commercial provisions of the previous Treaties with France or Prussia. And a provision was made for a commission "to terminate all differences on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty during the late war between Spain and France."⁷ A copy of this Treaty was sent to Congress by President Washington on the 29th of March, 1796,⁸ and an act was passed to carry it into effect.⁹ Though transmitted in the midst of the debate on "Jay's Treaty," it was considered and acted on without more than a casual allusion to it in that debate, and without discussion on its own merits.

The provisions of this Treaty respecting limits and the withdrawal of garrisons had not been carried out when Louisiana was acquired by the United States,¹⁰ and meanwhile disputes had arisen in consequence of the arbitrary order discontinuing the right to deposit and store Ameri-

⁷¹ 1 F. R. F., 533. ⁷² *Ib.*, 534. ³ *Ib.* ⁴ *Ib.*, 535. ⁵ *Ib.* ⁶ *Ib.*, 540. ⁷ Art. 21, *Ib.*, 549. ⁸ Annals 1st Sess. 4th Cong., 821. ⁹ 1 St. at L., 459; see also 2 St. at L., 314. ¹⁰ 2 F. R. F., 20-27, 66-77.

can produce at New Orleans, and reclamations were made upon Spain for losses suffered from this cause, and also for maritime spoiliations before the Peace of Amiens.

The House of Representatives on the 17th of December, 1802, called for "such papers as are in the possession of the Department of State, as relate to the violation on the part of Spain of the Treaty of Friendship, Limits, and Navigation, between the United States of America and the King of Spain."¹ The President complied with this on the 22d of the same month.²

On the following January President Jefferson submitted to the Senate a Treaty, which had been concluded at Madrid, for the settlement of a portion of these claims.³ A class of spoiliations by French vessels which Spain contended were properly chargeable to France, were excluded from the operation of this Treaty. This induced the Senate to defer consenting to its ratification. At first they rejected it, but immediately reconsidered the vote, and resolved to postpone its consideration.⁴ At the next session the Senate gave its assent;⁵ but meanwhile Louisiana had been acquired, and Congress, in extending the customs laws over the ceded territories, had enacted that the President be authorized, "whenever he shall deem it expedient, to erect the shores waters, and inlets of the bay and river of Mobile * into a separat district."⁶

Robert Livingston and Monroe had written from Paris to the Secretary of State shortly after the cession: "We are happy to have it in our power to assure you that, on a thorough examination of the subject, we consider it incontrovertible that West Florida is comprised in the cession of Louisiana."⁷ This provision of the statute was intended to enable the President to assert a claim of jurisdiction conformable to their views of the rights of the United States.

Spain objected at first to the Treaty of 1803,⁸ but finally withdrew her objection, and New Orleans and the posts west of the Mississippi were given up.⁹ But when the act authorizing the establishment of a customs district at Mobile became known in Madrid, the King refused to ratify the Treaty of 1802, unless the objectionable act was either repealed or modified by a declaration that it was not intended to question the sovereignty of Spain over the bay of Mobile.

Monroe was sent from London to Madrid on a special mission, and conducted the negotiations jointly with Pinckney.

A long correspondence ensued, in the course of which each party referred to Talleyrand for his understanding of the extent of the cession. Talleyrand said: "Spain retroceded to France the territory only which she had received from her. The rights of France have been since

¹ Annals 2d Sess. 7th Cong., 281. ² *Ib.*, 920; 2 F. R. F., 469. ³ 2 F. R. F., 47

⁴ Annals 2d Sess. 7th Cong., 270. ⁵ For further documents relating to it see 2 F. R. F., 596. ⁶ 2 St. at L., 254. ⁷ 2 F. R. F., 564. ⁸ *Ib.*, 569. ⁹ *Ib.*, 583.

passed to the United States, and it was only with the same extent that she had acquired them. * His Majesty having no pretensions but to the territory situated to the west of the Mississippi, and of the river Iberville, * he did not cede any other to the United States.”¹ This statement was not accepted by the American Government. The negotiations were closed without result on the 18th of May, 1805. The American negotiators said: “We perceive, with regret, that the propositions which we had the honor to make to His Catholic Majesty, on the part of our Government, on the 12th inst., for the adjustment of the several points depending between the United States and Spain, have been absolutely rejected.”² Monroe’s passport was then given him, and he took his leave.

The Supreme Court was afterwards asked to reverse this decision of the political department of the Government respecting the limits of the cession, but declined to consider the question.³

In the year 1808 “direct and official relations” between Spain and the United States were broken off.⁴ It soon became desirable that the United States should assert their title to West Florida by occupation, and in a proclamation dated October 27, 1810, President Madison, after setting forth the reasons which induced the act, directed possession to be taken of the territory south of the Mississippi territory, and eastward of the River Mississippi, and extending to the River Perdido.⁵

This occupation continued and was in existence when diplomatic relations were resumed after the wars of Napoleon; but before the resumption, the Spanish-American wars of independence had broken out. The undoubted sympathy with this movement in different parts of the United States, and the aid which was surreptitiously afforded from some places in violation of law, and in spite of the vigilance of the Government, induced reclamations on the part of Spain in 1815, when diplomatic relations were resumed. Monroe, then Secretary of State, replied by re-asserting the reclamations of the United States, and by reopening the question of limits and boundaries, which the parties had been unable to adjust at Madrid.⁶ A long correspondence ensued, conducted partly in Madrid and partly in Washington, and extending over into the next administration.⁷ It resulted in the Treaty of 1819. But, only two months before this was signed, the suspended Treaty of 1808, having been ratified by Spain, was proclaimed by the President.⁸ An act had been passed in 1804 to carry this Treaty into effect, which became operative for the two months only.⁹

The Spanish ratification was withheld from the Treaty of 1819, as it had been from the Convention of 1802. They required “as the condition of the ratification of the Treaty, that the United States should abandon the right to recognize the revolutionary colonies in South

¹ *Ib.*, 659. ² *Ib.*, 667. ³ *Foster et al. vs. Neilson*, 2 Peters, 306. ⁴ 4 F. R. F., 422. ⁵ 11 St. at L., 761. ⁶ 4 F. R. F., 424-426. ⁷ *Ib.*, 422-626. ⁸ *Ib.*, 407. ⁹ 2 St. at L., 270.

America, or to form other relations with them."¹ In this emergency "the Governments of France and Russia * expressed an earnest desire that the United States would take no steps, for the present, on the principle of reprisal, which might possibly tend to disturb the peace between the United States and Spain."²

The President was enabled, on the 13th of February, 1821, to communicate the ratification by Spain to the Senate.³ The time for the exchange of ratifications had expired, but the Senate resolved to consent to and advise the President to ratify it,⁴ and the ratifications were exchanged on the 22d of February, 1821. For correspondence on this subject, see vol. 4 Fol. Ed. For. Rel., pp. 650-703.

This Treaty gave the Floridas to the United States, and gave the Sabine as the western boundary of Louisiana; it contained a mutual renunciation of claims, and the United States undertook to satisfy the claims of their own citizens to the extent of five millions of dollars.

On the 3d of March, 1821, an act was approved authorizing the President to take possession of Florida, and establishing a commission for the proof of the claims named in the 11th article,⁵ and on the 24th of May, 1824, an act was approved authorizing the creation of a stock to meet the awards.⁶ It turned out that the sum named in the Treaty, \$5,000,000, was not enough to pay all the awards.⁷ The records and papers of the commission, after the awards were made, were deposited in the Department of State. Attorney-General Taney held that they ought not to be given up to claimants.⁸

General Jackson took possession of the ceded country, and as Governor of the Floridas, he issued an ordinance for carrying out the provisions of the 6th article, relating to the admission of the inhabitants of the ceded territory to all the privileges, rights, and immunities of citizens of the United States.⁹

On the 3d of March, 1843, Congress passed an act to carry into effect the 9th article of this Treaty.¹⁰ The Judges of the Superior Courts, established at Pensacola and St. Augustine, were authorized to adjust the amounts of the claims referred to in that article, and the Secretary of the Treasury was empowered to pay the respective amounts adjudged. The attempts made to extend the operation of this article are shown in the cotemporaneous documents.¹¹

It has been held by several Attorneys-General, and may now be regarded as settled, that the conclusions of the Superior Courts of Pensacola and St. Augustine are not binding upon the Secretary of the Treasury; but that they are subject to review by that officer.¹² The same series of opinions holds that the decisions of Mr. Woodbury, Secretary of the Treasury, and of his successors, that interest is not allowable on such

¹ Annals 1st Sess. 16th Cong., 679. ² Annals 1st Sess. 16th Cong. 1688. ³ 4 F. R. F., 650. ⁴ *Ib.*, 703. ⁵ 3 St. at L., 637. ⁶ 4 *Ib.*, 33. ⁷ 5 F. R. F., 798. ⁸ 2 Op. At.-Gen., 515. ⁹ Annals 1st Sess. 17th Cong., 2550. ¹⁰ 3 St. at L., 768. ¹¹ 5 F. R. F., 829, and 6 *Ib.*, 741. ¹² 3 Op. At.-Gen., 677, Legaré; 4 *Ib.*, 286, Nelson; 5 *Ib.*, 333, Crittenden; 6 *Ib.*, 533, Cushing.

claims, is to be regarded as decisive, and binding upon his and their successors. Mr. Fish referred the subject to Congress,¹ saying that "it is a practical necessity to await further legislation by Congress before any action can be taken."²

Attorney-General Cushing held that the extraordinary expenses of a person incurred in living in St. Mary's, whither he retired after the destruction of his property in Florida, are a matter too remotely consequential to be the proper subject for damages under this article.³ Attorney-General Grundy held that under this article the United States were bound to pay Spanish inhabitants of Florida the value of slaves carried away or killed by troops of the United States shortly prior to the conclusion of the Treaty.⁴

The aggressions on the commerce of the United States in the wars between Spain and her revolted colonies continued to give rise to claims against that Power. The nature of these claims is described by Mr. Van Buren in his instructions of October 2, 1829, to Mr. Van Ness, the Minister to Madrid.⁵ He instructed Van Ness to secure either the payment of a gross sum in full satisfaction, or the appointment of a mixed Commission. The negotiations extended through a period of between three and four years. At first Spain declined to recognize liability, but after the death of Ferdinand it was agreed that Spain was liable, and that the United States should receive in full satisfaction twelve millions of rials vellon, in inscriptions, the interest at five per cent., to be payable in Paris.⁶ This agreement was carried out in the Convention of 1834.

When the bill to carry this Treaty into effect came before the House, Mr. Cushing said "that he desired to avail himself of this occasion to express his strong sense of the justice and honor exhibited by the Government of Spain, in the Treaty of which this bill was the consummation. In the midst of national calamities, which she met with her characteristic fortitude, with a deadly civil war raging in her bosom, and weighed down with financial embarrassments, Spain has acknowledged and satisfied the claims of our citizens, in a spirit of manly promptitude and frankness, strikingly contrasted with the conduct of some other European Powers in similar matters."⁷ The act was passed June 7, 1836,⁸ and its operation was afterwards extended for a limited time.⁹

The long continuance of the internal condition described by Mr. Cushing, caused a suspension of payments due under this Treaty. In his message to Congress of December 7, 1841, President Tyler said, "The failure on the part of Spain to pay, with punctuality, the interest due under the Convention of 1834, for the settlement of claims between the two countries, has made it the duty of the Executive to call the par-

¹ H. M. Doc. 131, 2d Sess. 42d Cong. ² *Ib.*, 6. ³ 6 Op. At.-Gen., 530. ⁴ 3 *Ib.*, 391. ⁵ S. E. Doc. 147, 2d Sess. 23d Cong., 3-12. ⁶ *Ib.*, 90-92. ⁷ 12 Debates, 2681. ⁸ 5 St. at L., 34. ⁹ *Ib.*, 179.

ticular attention of that Government to the subject. A disposition has been manifested by it, which is believed to be entirely sincere, to fulfil its obligations in this respect, so soon as its internal condition and the state of its finances will permit."¹

"Mr. Buchanan, when Secretary of State, agreed to receive an annual payment of \$30,000 at Havana in full of the interest of the principal provided for by the Convention, less fifteen hundred dollars for what was called prompt payment. * When the payment of 1862 was about to be made, the question arose whether it should be demanded in coin, or whether we were bound by the act of Congress of the 25th of February, 1862, to accept the same in current money of the United States. The latter alternative was reluctantly acceded to."²

Many and delicate questions arose between the United States and Spain during the years that elapsed between the Treaty of 1834 and the outbreak of the insurrection in Cuba in 1868; questions which taxed the skill and forbearance of statesmen on both sides. But they did not concern the construction or the operation of existing Treaties between the two Powers.

In contending with this insurrection, the Government of Spain conceived it necessary to issue decrees suspending the right of alienating property, and embargoing the property of some citizens of the United States, who were suspected of being connected with the insurgents. Mr. Fish called attention to the fact that the enforcement of such decrees against citizens of the United States and their properties might be regarded as violations of the 7th article of the Treaty of 1795. As had been foreseen, many complaints arose, which, on the 9th of June, 1870, Mr. Fish brought to the attention of the Spanish Minister in Washington, saying, "It appears to the President that the sweeping decrees of April, 1869, have been put in operation against the properties of the citizens of the United States, in violation of the Treaty agreement that such property should not be subject to embargo or detention for any public or private purpose whatever. * It is understood that the citizens of the United States whose properties have been thus forcibly taken from them have not been allowed to employ such advocates, solicitors, notaries, agents, and factors as they might judge proper; on the contrary, as this Government has been informed, their properties have been taken from them without notice, and advocates, solicitors, notaries, agents, or factors have not been allowed to interpose in their behalf. * * The undersigned has also received representations from several citizens of the United States, complaining of arbitrary arrest, and of close incarceration without permission to communicate with their friends, or with advocates, solicitors, notaries, agents, and factors, as they might judge proper. * In some cases, also, such arrests have been followed by military trial, without the opportunity of access to advocates

¹ Globe, 2d Sess. 27th Cong., 5. ² Seward to Gray, Oct. 7, 1864, MS. Dept. of State.

or solicitors, or of communication with witnesses, and without those personal rights and legal protections which the accused should have enjoyed. * * What has been already done in this respect is unhappily past recall, and leaves to the United States a claim against Spain for the amount of the injuries that their citizens have suffered by reason of these several violations of the Treaty of 1795."¹

The subject was referred to Madrid, where, after some correspondence, the agreement of February 12, 1871, was concluded.

Under this agreement the United States presented a claim, on behalf of a person who had declared his intention to become a citizen, but had not yet become one. The Spanish agent objected that it did not come within the scope of the Treaty. The two national commissioners being unable to agree upon this question, it was referred to the umpire, Baron Lederer, by whom it was decided adversely to the United States.

SWEDEN.

The Treaty of April 3, 1783, was concluded with Sweden by Dr. Franklin as American Plenipotentiary, on the request of that Power. On the 12th of August, 1782, he writes from Passy to Robert Livingston: "All ranks of this nation appear to be in good humor with us, and our reputation rises throughout Europe. I understand from the Swedish Ambassador that their Treaty with us will go on as soon as ours with Holland is finished; our Treaty with France, with such improvements as that with Holland may suggest, being intended as the basis."² On the 17th of December he writes: "The Swedish Ambassador has exchanged full powers with me. I send a copy of his herewith. We have had some conferences on the proposed plan of our Treaty, and he has dispatched a courier for further instructions respecting some of the articles."³

On the 7th of March, 1783, he writes Livingston: "I can only send you a line to acquaint you that I have concluded the Treaty with Sweden, which was signed on Wednesday last. * * It differs very little from the plan sent me; in nothing material."⁴ The Treaty in fact bears date April 3, 1783.

VENEZUELA.

The Treaty of January 20, 1836, was terminated pursuant to notice of a decree of the President of Venezuela, which was communicated to the Secretary of State by the Secretary of Foreign Affairs of Venezuela, in compliance with the Treaty, in the following language: "The under-

¹ S. E. Doc. 108, 2d Sess. 41st Cong., 240-241. ² 2 D. C., 1776-1783, 359. ³ *Ib.*, 405. ⁴ *Ib.*, 418.

signed, Secretary of State for the Department of Foreign Relations of the Republic of Venezuela, has the honor to inform the Hon. Secretary of State and Foreign Relations of the Government of the United States, that the period stipulated for the duration of the Treaty of Peace, Amity, Navigation, and Commerce, concluded on the 20th of January, 1836, ratified by the United States and by Venezuela, respectively, on the 20th of April, and 25th of May, of the same year, and of which the ratifications were exchanged in this city on the 31st of the last-named month, has expired on the 31st of May of the year last past, and the undersigned has received orders and instructions from the President of this Republic to notify the Government of the United States, as required by the 34th article, 1st section, of the said Treaty, that from and after the date of the receipt of this notice will begin the period of one year, at the end of which the Treaty will cease to have effect in all that relates to Commerce and Navigation. H. E. the President has published the order which causes this communication, and has expressed his will that the Treaty should cease, in a decree issued on the 4th of the last month, of which the undersigned Secretary has the honor of sending herewith a certified copy.”¹

Mr. Clayton, the Secretary of State, responded on the 5th of January, 1850, as follows: “The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to this Department by His Excellency the Minister of Foreign Affairs of the Republic of Venezuela, under date the 5th of November last, accompanied by a copy of a Decree of the President of that Republic, and expressing a wish that the existing Treaty between the United States and Venezuela, in all those parts relative to commerce and navigation, should terminate within a year from the receipt of that note, conformably to the tenth paragraph of the thirty-fourth article of the Treaty. The note referred to having been received at this Department on the third instant, the stipulations of the Treaty to which it applies will consequently cease to be binding on either government on and after the third of January next.”¹

In 1859 a claims convention was made for the settlement of what were known as the Aves Island claims. For the correspondence respecting these claims, see Senate Ex. Doc. 25, 3d Session 34th Congress. The last payment was made by Venezuela on the 12th of September, 1864, to “H. S. Sanford, attorney-in-fact for the creditors,” who “acknowledged to have received from the government of Venezuela through the General Credit and Finance Company of London, full satisfaction of the dues under the convention made at Valencia on the 14th January, 1859, between the United States and the republic of Venezuela, and known as the Aves Convention,” and “in behalf of the creditors under said convention relinquished all claims upon the government of Venezuela

¹ MS. Dept. of State.

in virtue of the same, or of the convention of 5th June, 1863, hypothecating for its benefit the export dues of certain ports of Venezuela.”¹

The Treaty of Amity, Commerce, Navigation, and Extradition, of 1860, was terminated by notice from the Minister of Venezuela, as follows: “The Congress of the United States of Venezuela passed, on the 18th of May last, a law directing the Executive to notify nations with which Venezuela had treaties whose term had expired of such expiration. This is the case with regard to the Treaty of Friendship, Commerce, Navigation, and Extradition, made August 27, 1860, for a term of eight years, counting from the time of the exchange of ratifications, which has expired by reason of the said exchanges having taken place at Caracas, August 9, 1861.

“In accordance, therefore, with the provisions of the law, I have the honor to make, by the present communication, and in the name of my Government, the notification provided for in respect to the said Treaty, in order that the due effect may be reached, and that the compact may cease to be obligatory in one year after the making of this declaration, as was agreed in article 31st of the same.”¹

To this Mr. Fish replied: “I have the honor to acknowledge the receipt of your communication of the 22d instant, by which, pursuant to instructions received from your Government, you give the official notification to the United States of the intention of Venezuela, as stipulated in the 31st article of the Convention of 1860 between the United States and Venezuela, to arrest the operations of said Convention twelve months from the date of said notification.”¹

The Commissioners provided for by the claims convention of 1866 were duly appointed, and after examination made awards against Venezuela to a large amount. When the day of payment came, Venezuela charged that the proceedings had been so irregular as to vitiate some of the awards. The United States suspended proceedings and asked for specific statements and proof. After a delay of over a year Venezuela replied to the demand. The reply was laid before Congress. Congress did not act at that session, but a subsequent Congress enacted, “that the adjudication of claims by the Convention with Venezuela of April twenty-fifth, eighteen hundred and sixty-six, * is hereby recognized as final and conclusive, and to be held as valid and subsisting against the Republic of Venezuela.”²

WÜRTTEMBERG.

“By a statute of Louisiana, it is provided that ‘each and every person not being domiciliated in this State, and not being a citizen of any

¹ MS. Dept. of State. ² 17 St. at L., 477. See S. E. Doc. 5, 1st. Sess. 41st Cong.; S. M. Doc. 162, 2d Sess 41st Cong.; H. E. Doc. 176, 2d Sess. 41st Cong.; H. R. 79, 1b.

other State or Territory in the Union, who shall be entitled, whether as heir, legatee, or donee, to the whole or any part of the succession of a person deceased, whether such person shall have died in this State or elsewhere, shall pay a tax of ten per cent. on all sums, or on the value of all property, which he may have actually received from such succession, or so much thereof as is situated in this State, after deducting all debts due by the succession.”

It was claimed that this statute was in contravention of the third article of the Treaty of 1844 with Württemberg, when applied to the case of a native of Württemberg, naturalized in the United States and residing and dying in New Orleans, leaving legatees who resided in Württemberg; but the Supreme Court of the United States held that the Treaty “does not regulate the testamentary disposition of citizens or subjects of the contracting powers in reference to property within the country of their origin or citizenship. The case of a citizen or subject of the respective countries residing at home, and disposing of property there in favor of a citizen or subject of the other, was not in the contemplation of the contracting powers, and is not embraced in this article of the Treaty.”¹

The Consul-General of Württemberg, under instructions from his government, complained of the taxes which were levied in conformity with this decision, and “suggested a modification of the Treaty such as would hereafter preclude construction of its provisions prejudicial to His Majesty’s subjects.”²

Mr. Seward answered that he saw no objection to entering into negotiations for that purpose, and asked whether Mr. Bierwith held a power from his government to conclude a Treaty.³

Mr. Bierwith did not: and instead of receiving such a power he was instructed “to obtain from the Government of the United States, in a form binding on the Supreme Court, a declaration of the meaning of article 3 of the Treaty such as will oblige the Court to abandon its idea concerning the force of the Treaty.”⁴

To this latter proposal Mr. Fish replied, (referring to the decision of the Supreme Court:) “To this decision, until removed by the same high authority, the President is bound by the Constitution to submit; nor can he, by any declaration, or by anything short of a modification of the Treaty itself, (made with the advice and consent of the Senate,) such as was originally suggested by you, and assented to by my predecessor, meet the views of His Majesty’s government.”⁵

¹ *Frederickson vs. Louisiana*, 23 Howard, 445. ² Mr. Bierwith to Mr. Fish May 26, 1869, MS. Dept. of State. ³ *Ib.* ⁴ *Ib.* ⁵ Mr. Fish to Mr. Bierwith, June 7, 1869.

INDEX TO THE TREATIES.

I. ANALYTICAL INDEX.—Being an index of the subjects referred to in the several treaties and conventions, arranged alphabetically, with references to the Synoptical Index.

II. SYNOPTICAL INDEX.—Containing the titles of the several treaties and conventions, and a synopsis of their respective contents taken from the marginal abstracts on the text, arranged in the order in which they stand in the text, corrected by adding, in their proper order the treaties printed in the appendix. This index shows, in respect of each treaty, so far as it is possible to give the information, the dates of (1) its conclusion; (2) the action of the Senate upon it; (3) its ratification by the President; (4) the exchange of ratifications; (5) its proclamation by the President.

I.—ANALYTICAL INDEX.

[The following treaties, which have expired by their own limitation, viz, Columbia 1824, France 1800, Morocco 1787, Prussia 1785 and 1799, except as revived in 1828; Sweden 1783, except as revived in 1827, and Sweden and Norway 1816; the following treaties which have been terminated by notice given in accordance with their respective terms, viz, Belgium 1845, Chili 1832 and 1833, Great Britain 1854, Peru 1851 and 1857, and Venezuela 1836 and 1860; the following treaties, which have become obsolete by reason of the annexation of the other contracting country to the United States, viz, Texas 1838, two treaties; and the following treaties which have become obsolete by reason of the dissolution of the federation with which they were made, viz, Central America 1825, and Peru-Bolivia 1836, are not referred to in the Analytical Index. Abstracts of their respective contents will be found in the Synoptical Index.]

A.

ALABAMA CLAIMS:

treaty for settlement of, 413.

ALASKA. [See *Synoptical Index*, title "*Russia*."]

treaty for cession of, 741.

ALGIERS. [See "*Duties*," "*Vessels*," Notes, title "*Abrogated, suspended or obsolete treaties*," and *Synoptical Index*.]

Algerines shall not sell vessels of war to enemies of the United States, 10.

ALIENAGE. [See "*Real estate*."]

not to affect titles to certain lands (Great Britain, 1794), 324.

ALLIANCE.

treaty of, with France, 241; neither party shall make peace without the other's consent, 242; reservation to Spain of right to participate in it, 254.

AMAZON RIVER. [See "*Navigation*."]

ANCHORAGE DUES. [See "*Reciprocal commercial agreements*."]

ARBITRATION. [See "*Claims*."]

for settlement of differences with Great Britain regarding indemnity for slaves under the treaty of Ghent, 355; award respecting the same, 360; for the settlement of the northeastern boundary, 366; of the Alabama claims, 413; with Great Britain of the claims growing out of the rebellion, 418; respecting the fisheries under the treaty of Washington, 420; of the northwest water boundary, 426; by the Dey of Algiers of disputes with Tripoli, 838.

ARGENTINE CONFEDERATION. [See *Synoptical Index*.]

ARSON. [See "*Extradition*."]

ASSASSINATION. [See "*Extradition*."]

ASSAULT. [See "*Extradition*."]

ASYLUM. [See "*Reciprocal commercial agreements*," title "*Wrecks and shipwrecks*."]

vessels and citizens seeking asylum by reason of stress of weather to be treated with humanity, and shall be allowed to repair and depart—Bolivia, 83; Brazil, 96; Columbia, (New Grenada) 180; Ecuador, 230; France, 250 (obsolete); Guatemala, 438; Hayti, 478; Mexico, 547; Morocco as to United States vessels, 595; Netherlands, 612 (obsolete); Nicaragua, 632; Portugal, 701; Prussia, 720; San Salvador, 747; Sardinia, 758; Spain, 778; Sweden (see Sweden and Norway), 806.

to be exempt from the payment of duties on vessel or cargo unless entered for consumption—Hawaiian Islands, 472; Morocco (as to American vessels), 595; Sardinia, 758.

to be subject to no duties or charges except pilotage, unless remaining longer than forty-eight hours in port—Columbia (New Grenada), 180.

unloading and reloading not to be considered an act of commerce—Sardinia, 758; Two Sicilies, 868.

vessels seeking asylum to be treated as national vessels—Sardinia, 757; Two Sicilies, 868.

shelter shall not be given in ports of one power to enemies of the other power who have captured prizes from the other at sea—France, 249; Great Britain, 331.

consulates not to be used as asylums—Germany, 303; Italy, 497.

AUBAINE, DROIT DE. [See "*Personal property*," "*Real estate*."]

abolished by treaty with Bavaria, 51; France, 247 (obsolete); Hesse, 486; Nassau, 605; Saxony, 762; Württemberg, 898.

AUSTRIA AND AUSTRO-HUNGARY. [See *Synoptical Index*.]
 AVERAGE DUES OR CHARGES. [See "*Reciprocal commercial agreements*."]
 AWARD. [See "*Arbitration*."]

B.

BADEN. [See *Synoptical Index*.]

BARBARY POWERS:

The United States to be aided in forming treaties with—France, 246; Netherlands, 613.

BASE OF OPERATIONS:

a neutral port not to be made a, Great Britain, 416.

BAVARIA. [See *Synoptical Index*.]

BELGIUM: [See *Synoptical Index and notes*, title "*Abrogated, suspended, or obsolete treaties*."]
 treaty of commerce with, of 1845, terminated by notice, 58.

BELTS DUES. (*Danish*). [See "*Sound dues*."]

BERMUDAS:

if conquered to become part of the United States—France, 242.

BLOCKADE: [See "*War*."]

to be effective must be by a force capable of preventing the neutral's entry. Brazil, 99; Ecuador, 233; Guatemala, 441; Italy, 507; Mexico, 550; New Grenada, 183; San Salvador, 750; Two Sicilies, 864.

vessels arriving at a blockaded port in ignorance of the blockade are to be turned away without confiscating any of the cargo, not contraband; and are not to be seized unless they again attempt to enter—Bolivia, 86; Brazil, 99; Great Britain, 328 (*obsolete*); Columbia (New Grenada), 183; Dominican Republic, 221; Ecuador, 233; Guatemala, 441; Hayti, 479; Italy, 507; Mexico, 550; San Salvador, 750.

vessels arriving at a port supposed at the time of departure to be blockaded, shall not be captured and condemned for an attempt to enter, unless on proof that they did or could have learned of the continuance of the blockade; but an attempt to re-enter after warning will subject them to condemnation—Greece, 435; Prussia, 727; Sweden and Norway, 820; Sardinia, 758; Two Sicilies, 864.

vessels in port before the establishment of the blockade are to be permitted to depart with their cargoes—Bolivia, 86; Brazil, 99; Columbia (New Grenada), 183; Dominican Republic, 221; Ecuador, 233; Great Britain, 328 (*obsolete*); Guatemala, 441; Hayti, 479; Italy, 507; Mexico, 550; San Salvador, 750.

a cargo taken on board after the establishment of the blockade must be first discharged—Brazil, 99; Italy, 507.

BOLIVIA. [See *Synoptical Index*.]

BOMBAY, TRADE WITH (*obsolete*), 346.

BORNEO. [See "*Consuls*," *Synoptical Index*.]

citizens of the United States may acquire property in Borneo and be protected there, 92; shall have complete liberty of import and export, subject only to customs, 92; charges and duties in Borneo limited to one dollar per ton, 93; no export duties in Borneo, 93; United States ships of war are free to enter ports of Borneo and obtain supplies, 93; provisions as to wrecks, 93.

BOUNDARIES OF THE UNITED STATES. [See *Synoptical Index*, titles "*France, Great Britain, Spain, Mexico*."]

acquisition of Louisiana (France), 275; provisional articles with Great Britain, 1782, 309; definitive treaty with Great Britain, 1783, 315; treaty with Great Britain of 1794, as to the rivers Mississippi and Saint Croix, 321; treaty of peace with Great Britain, 1814, 339, 342; declaration of commissioners under the 4th article of the treaty of Ghent, 349; convention of 1818 with Great Britain, 351; decision of commissioners under the 6th article of the treaty of Ghent, 352; reference of the northeastern boundary to arbitration, 366; treaty of 1842 with Great Britain, 369; treaty of 1846 with Great Britain, 375; protocol with Great Britain ceding Horse Shoe Reef, 1850, 911; reference of the northwest water boundary to arbitration, 426; protocol relative to northwest water boundary, 1873, (appendix,) 912; treaty with Mexico, 1828, 542; with the same, 1835, 556; with the same, 1848, 562; with the same, 1853, 575; treaty with Russia for the acquisition of Alaska, 741; treaty with Spain of 1795, 776; treaty with Spain for the annexation of Florida, 787.

BOUNTIES. [See "*Reciprocal commercial agreements*."]

BRAZIL. [See notes, title "*Abrogated, suspended, or obsolete treaties*," *Synoptical Index*.]

BREMEN. [See *Synoptical Index*.]

BRUNSWICK AND LUNEBURG. [See *Synoptical Index*.]

BRAVO RIVER. [See "*Navigations*."]

BRITISH ARMIES:

to be withdrawn from the United States, 311, 317, 319.

BROKERAGE CHARGES. [See "*Reciprocal commercial agreements*."]

amount of, in France limited by treaty of 1822, 288.

BRUNSHAUEN DUES. [See *Synoptical Index*, title "*Harbor*."]

treaty for the abolition of, 458.

- BUOYS. [See "*Reciprocal commercial agreements.*"]
 BURGLARY. [See "*Extradition.*"]
 BURIAL. [See "*Reciprocal privileges of citizens, &c.*"]

C.

- CALCUTTA, TRADE (*obsolete*), 346.
 CALIFORNIA. [See *Synoptical Index*, title "*Mexico.*"]
 treaty for acquisition of, 562.
 CLAIFORNIA, GULF OF. [See "*Navigation.*"]
 CANADA, CANALS OF. [See "*Navigation.*"]
 CANADA, TRANSIT OF. [See "*Reciprocal commercial agreements.*"]
 CAPTURES. [See "*War.*"]
 by pirates, of vessels, &c., of citizens of one party, to be restored when found within the jurisdiction of the other—Bolivia, 84; Brazil, 96; Columbia, (New Grenada), 180; Ecuador, 230; France, 249 (*obsolete*); Italy, 506; Great Britain, 329 (*obsolete*); Guatemala, 438; Mexico, 547; Muscat, 603; Netherlands, 611 (*obsolete*); San Salvador, 747; Spain, 778; Sweden, (see "*Sweden and Norway.*"), 804.
 same provision respecting vessels of one party, being neutral, captured by an enemy of the other and recaptured, Sweden, (see "*Sweden and Norway.*"), 804.
 special provisions as to, in treaty with the Dominican Republic, 223, 224; with Prussia, 721.
 CENTRAL AMERICA. [See "*Interoceanic communications*" and *Synoptical Index*.]
 General convention with, terminated, partly by limitation and partly by dissolution of the Federation, 108.
 Neither power will fortify, colonize, or assume dominion over—Great Britain, 377.
 CHILI. [See notes, title "*Abrogated or suspended treaties;*" *Synoptical Index*.]
 CHINA. [See "*Consuls;*" and note, title "*Abrogated, suspended, or obsolete treaties;*" *Synoptical Index*.]
 Privileges of the diplomatic agents of the United States, 146; of their consular agents, 148; provisions regarding internal improvements in, 167; internal intervention in, disavowed, 167.
 commercial intercourse with, regulated by the treaty of 1858, 149 to 154.
 CITIZENS. [See "*Extradition,*" "*Naturalization,*" "*Reciprocal privileges of citizens, &c.*"]
 election of settlers and traders under the treaty of 1794. Great Britain, 319.
 CLAIMS, TREATIES RESPECTING:
 Brazil, 104; Chili, 129; China, 164; Columbia, 193, 195; Costa Rica, 202; Denmark, 210; Ecuador, 238; France, 279, 289; Great Britain, 321, 322, 323, 324, 336, 380, 402, 413; (appendix) 912; Mexico, 557, 560; (appendix) 916; treaty of 1848, 574, 581; Paraguay, 653; Peru, 673, 691, 693, 695; Portugal, 704; Spain, 782, 784, 795; Two Sicilies, 855; Venezuela, 883, 895; mutual renunciation of (Spain) 791; certain to be assumed by the United States.
 France, 279, 290; Spain, 792; agreement with Spain respecting, (appendix) 921.
 CLEARANCE DUES. [See "*Reciprocal commercial agreements.*"]
 COASTING TRADE. [See "*Reciprocal commercial agreements.*"]
 Definition of, in treaty with the Netherlands, 621.
 COLORADO RIVER. [See "*Navigation.*"]
 COLUMBIA RIVER. [See "*Navigation.*"]
 COLUMBIA. [See notes, title "*Abrogated, suspended, or obsolete treaties;*" *Synoptical Index*.]
 United States of, represent the old republic of New Granada, 196.
 COMMERCIAL AGREEMENTS. [See "*Reciprocal commercial agreements,*" "*Brünshausen dues,*" "*China,*" "*Cottons,*" "*Danish Colonies,*" "*Dardanelles,*" "*Discriminating duties,*" "*Duties,*" "*Import duties,*" "*Light dues,*" "*Pilotage,*" "*Port dues,*" "*Swiss confederation.*"]
 COMMISSION. [See "*Letter of marque.*"]
 CONFISCATION. [See "*Neutral vessels,*" "*Reciprocal privileges of citizens, &c.*"]
 Congress will recommend the restitution of confiscated estates—Great Britain, 311; no confiscation after the treaty of 1782. *Ib.*, 311, 317.
 public funds are not to be confiscated in time of war—Paraguay, 659.
 CONSULAR JURISDICTION. [See "*Consuls.*"]
 CONQUESTS. [See "*Bermudas,*" "*Mexico, Gulf of.*"]
 to be restored, Great Britain 312, 317.
 CONSULAR PRIVILEGES. [See "*Consuls.*"]
 CONSULS, TREATIES RESPECTING:
 1. *Reciprocal Agreements:*
 each party may establish consulates within the territories of the other—Argentine Confederation, 28; Austria, 39; Belgium, 74; China, 148, 166; Algiers, 16 (*obsolete*); Columbia (New Granada), 189; Costa Rica, 200; Denmark, 208; Dominican Republic, 225; France, 294, 253; Ecuador, 236; Germany, 302; Great Britain, 327, 347; Greece, 433; Guatemala, 443; Hanover, 448, 453; Mecklenburg-Schwerin, 538; Oldenburg, 641; Hawaiian Islands, 471; Hayti, 483; Honduras, 493; Italy, 496;

CONSULS, TREATIES RESPECTING—Continued.

1. Reciprocal Agreements—Continued.

each party may establish consulates within the territories of the other—Continued.
Liberia, 530; Nicaragua, 631; Orange Free State, 918; Paraguay, 658; Persia, 662; Madagascar, 533; Portugal, 702; Ottoman Porte, 643; Prussia, 726; Russia, 737; San Salvador, 753; Sardinia, 759; Spain, 782; Sweden and Norway, 818; Swiss Confederation, 830; Tripoli, 842; Tunis, 850; Two Sicilies, 869; Netherlands, 613 (obsolete).
they may be established wherever any other power is permitted to maintain a consulate—Austria, 39; Belgium, 74; Colombia (New Granada), 189; Spain, 782.

each power is to decide for itself where consulates may be maintained within its territories—Austria, 39; Bolivia, 89; Colombia (New Granada), 185, 189; Costa Rica, 200; Honduras, 493; Argentine Confederation, 28-9; Brazil, 102; Ecuador, 236; Great Britain, 327, 347; Guatemala, 443; Italy, 496; Mexico, 552; Nicaragua, 631; Paraguay, 658; San Salvador, 753.

they may be established in ports open to foreign commerce—Brazil, 101; Bolivia, 89; Denmark, 208; Ecuador, 236; Hayti, 483; Mexico, 552; Colombia (New Granada), 185; San Salvador, 753.

sundry provisions respecting granting exequaturs—Austria, 40; Belgium, 74; Brazil, 102; Bolivia, 89; Colombia (New Granada), 186, 189; Costa Rica, 200; Denmark, 208; Ecuador, 236; France, 253, 261 (obsolete), 294; Germany, 302; Great Britain, 327 (obsolete), 347; Guatemala, 443; Hayti, 484; Honduras, 493; Italy, 496; Liberia, 530; Mexico, 552; Nicaragua, 631; Orange Free State, 918; Paraguay, 658; Portugal, 702; San Salvador, 753; Swiss Confederation, 830; Two Sicilies, 869; respecting the withdrawal of exequaturs—Germany, 302; Great Britain, 347; Greece, 433; Sweden and Norway, 819; Colombia (New Granada), 189; Swiss Confederation, 831.

consuls have no diplomatic character—Colombia (New Granada), 192.

they are appointed for the protection of trade—Great Britain, 347; Liberia, 530; Nicaragua, 631; Ottoman Porte, 643; Paraguay, 658.

provisions for the appointment of vice-consuls, consular agents, and other officers—Austria, 41; Belgium, 76; Colombia (New Granada), 191; France, 261 (obsolete), 295; Germany, 304; Italy, 497.

who may act in the event of the incapacity, absence, or death of a consul—Austria, 41; Belgium, 75; France, 295; Germany, 303; Italy, 497.

in what cases consuls may apply to the local authorities—Austria, 41; Belgium, 76; Colombia (New Granada), 190; France, 295; Germany, 304; Greece, 433; Italy, 498.

when they may apply to the government—Austria, 41; Belgium, 76; Colombia (New Granada), 190; France, 295; Germany, 304; Italy, 498.

they may appear as the natural defenders of their countrymen—Colombia (New Granada), 190.

they shall not give passports in certain cases—Colombia (New Granada), 192.

the consuls-general of each power may travel freely in the territories of the other—Japan, 516.

consuls shall enjoy the privileges of consuls of the most favored nations—Algiers, 16 (obsolete); Argentine Confederation, 29; Austria, 44; Brazil, 102; Colombia (New Granada), 185; Costa Rica, 200; Dominican Republic, 225; Ecuador, 236; France, 265 (obsolete), 298; Germany, 302; Guatemala, 443; Hanover, 448, 453; Mecklenburg-Schwerin, 538; Oldenburg, 641; Hawaiian Islands, 471; Hayti, 483; Honduras, 493; Mexico, 552; Nicaragua, 631; Orange Free State, 918; Paraguay, 658; Persia, 662; Portugal, 702; Prussia, 726; Russia, 737; San Salvador, 753; Sardinia, 759; Spain, 782; Swiss Confederation, 830; Tripoli, 842; Two Sicilies, 869.

consuls who are citizens of the state which appoints them are exempt from military billetings, and from military service—Austria, 40; Belgium, 74; France, 261 (obsolete), 294; Germany, 303; Italy, 496.

consuls who are not citizens of the country in which they reside are exempt from all public service—France, 261 (obsolete); Denmark, 208; Brazil, 102; Guatemala, 444; San Salvador, 753; Colombia (New Granada), 186; Mexico, 552.

consuls citizens of the state by which they are appointed shall be exempt from arrest, except for crimes—Belgium, 74; Italy, 496.

consuls shall enjoy personal immunities—Austria, 40; France, 294: except that with France, if they are citizens of the country in which they reside, or owning property, or engaged in commerce, they can only claim the immunities of commercial agents, 294.

they shall enjoy the privileges necessary for their functions—Belgium, 65; Great Britain, 327 (obsolete): in respect also of the deserters from the vessels, whether public or private, of their countries—Netherlands, 618; Ottoman Porte, 644; Sweden and Norway, 819; Two Sicilies, 870: but they may be prosecuted for violations of the laws of the country in which they reside—Sweden and Norway, 819; Portugal, 702.

CONSULS, TREATIES RESPECTING—Continued.

1. Reciprocal Agreements—Continued.

- not being citizens of the country in which they reside, they shall be exempted from imposts and contributions, except on account of the commerce and property to which citizens or inhabitants are subject—Bolivia, 89; Brazil, 102; Denmark, 208; Ecuador, 236; Germany, 303; Guatemala, 443; Hayti, 484; Colombia (New Granada), 186; San Salvador, 753; Mexico, 552.
- if they are citizens of the state which appoints them, and do not own real estate, and do not engage in business, they are to be exempt from all taxes—Austria, 40; Belgium, 74-5.
- they are to be exempt from duties and taxes, except on their estates, real and personal—France, 261 (obsolete).
- their official income is not subject to taxation—Germany, 303.
- they may establish a chancery—France, 262 (obsolete).
- their persons and dwellings are to be subject to the laws of the country, except as specially exempted by treaty—Colombia (New Granada), 192.
- if they are in business they are to be subject to the laws of the country—Dominican Republic, 225; Orange Free State, 918; Portugal, 702; Prussia, 726; Sardinia, 759; Two Sicilies, 869; Hawaiian Islands, 471; Russia, 737; Swiss Confederation, 830: but in such case can be detained only for commercial debts—Austria, 40.
- if they are citizens of the country in which they reside they are to continue subject to its laws—Dominican Republic, 225; Italy, 496; Sardinia, 759; Two Sicilies, 869.
- they are to be independent of the state in which they reside in what concerns their functions—Colombia (New Granada), 192.
- they may employ their good offices in favor of citizens of another country where there is no consul of that country—Colombia (New Granada), 192.
- they are not required to appear in courts of justice as witnesses—France, 295: except for defense of persons charged with crime—Austria, 40; Belgium, 75; Italy, 496.
- their testimony in other cases shall be taken at their dwellings—Austria, 40; Belgium, 75; Italy, 496.
- they shall be invited in writing to appear in court, and if unable to do so their testimony may be requested in writing, or taken at their dwellings—France, 295; Belgium, 75; Italy, 497.
- when their testimony is required they are to be summoned in writing—Colombia (New Granada), 192.
- they have the right to place the national arms and the name of the "consulate," "vice-consulate," as may be, on their offices—Austria, 40; Germany, 303: or on their dwellings—Belgium, 75: to place the national flag on their dwellings, except in places where there is a legation—Austria, 40; Belgium, 75; Germany, 303; Italy, 497: to place the arms, name, and flag on their office or dwellings—France, 294; Italy, 497: to place the name and flag on their dwellings—Colombia (New Granada), 192.
- the consular archives are to be inviolable—Austria, 41; Belgium, 75; Bolivia, 89; Brazil, 102; Colombia (New Granada), 192; Denmark, 208; Dominican Republic, 225; Ecuador, 236; France, 295; Germany, 303; Greece, 433; Guatemala, 444; Hayti, 484; Mexico, 553; Orange Free State, 918; Portugal, 702; Sardinia, 759; San Salvador, 753; Sweden and Norway, 819; Swiss Confederation, 831; Argentine Confederation, 29; Two Sicilies, 869.
- the consular offices and dwellings are to be inviolable—Belgium, 75; France, 295; Germany (of consuls not citizens), 303; Bolivia, 89; Italy, 497.
- what depositions and papers they may receive and verify—Austria, 41; Belgium, 76; Colombia (New Granada), 190; France, 262 (obsolete), 295, 296, 297; Germany, 304; Italy, 498.
- their authority over vessels of their own country in the ports of the country in which they reside defined—Austria, 42; Belgium, 76; Colombia (New Granada), 190; France, 295; Germany, 305; Italy, 498.
- they have a right to be notified of intended searches by customs officials, and to be present—Austria, 42; Germany, 305.
- they have jurisdiction over disputes between masters, officers, and crews of national vessels—Austria, 36, 42; Belgium, 76; Colombia (New Granada), 191; Denmark, 215; Dominican Republic, 225; France, 264 (obsolete), 296; Germany, 305; Greece, 433; Hanover, 448, 453; Mecklenburg-Schwerin, 538; Oldenburg, 641; Hanseatic Republic, 466; Italy, 498; Netherlands (what may be usual and necessary in respect of duties), 618; Portugal, 702; Prussia, 726; Russia, 737; Sweden and Norway, 819; Two Sicilies, 869: also of disputes between captains and officers of passenger steamships on the one hand, and passengers on the other—Italy, 499.
- they may arrest deserters from national vessels, and require aid from local authorities in doing so—Austria, 36, 43; Belgium, 76-7; Bolivia, 90; Brazil, 102, Colombia

CONSULS, TREATIES RESPECTING—Continued.

1. Reciprocal Agreements—Continued.

- they may arrest deserters from national vessels and require aid from local authorities in doing so—Continued.
 (New Granada), 186, 191; Denmark, 215; Dominican Republic, 225; Ecuador, 236; France, 264 (obsolete), 297, 288; Germany, 306; Greece, 434; Guatemala, 444; Hanover, 448, 453; Mecklenburg-Schwerin, 538; Oldenburg, 641; Hanseatic Republics, 465; Hawaiian Islands, 471; Hayti, 484; Italy, 499; Madagascar, 534; Mexico, 553; Portugal, 702; Prussia, 727; Russia, 737; San Salvador, 753; Sardinia, 759; Spain, 793; Sweden and Norway, 819; Two Sicilies, 870: but if the deserter has committed a crime against local law, the surrender will be delayed till after punishment—Austria, 36, 43; Denmark, 216; Dominican Republic, 226; Greece, 434; Hanover, 449, 454; Mecklenburg-Schwerin, 539; Oldenburg, 641; Hanseatic Republics, 465; Hawaiian Islands, 472; Portugal, 702; Prussia, 727; Russia, 737; Sardinia, 759; Sweden and Norway, 819; Two Sicilies, 870.
- they may adjust damages suffered at sea by vessels of their own country entering the port of their consulate, where there is no agreement to the contrary, and where the interests of the inhabitants of the country or of citizens of a third power are not affected—Austria, 43; Belgium, 77; Colombia (New Granada), 190; Germany, 306; Italy, 499.
- what powers they have in proceedings for salvage, and with wrecks—Austria, 43; Belgium, 77; Colombia (New Granada), 191; France, 263 (obsolete), 297; Germany 307; Hawaiian Islands, 472; Italy, 499; Two Sicilies, 869.
- they may act as judges in all disputes between their fellow-countrymen, as well as between all other persons who may be immediately under their protection—France, 265 (obsolete); Tunisia, 850; they may act as arbitrators in differences between their countrymen—Colombia (New Granada), 190.
- they have a right to be present and assist at the trials of their countrymen charged with killing, wounding, or striking a citizen or subject of the other party—Tunis, 850.
- they have a right to be informed by the local authorities of the death of their countrymen intestate or without known heirs—Austria, 44; Belgium, 77; Germany, 304; Italy, 500.
- they have the right to appear for absent heirs or creditors until they are represented—Germany, 305.
- they have the right to be present at the taking of inventories of properties of deceased countrymen—Two Sicilies, 866.
- they may administer upon the personal property of their countrymen deceased intestate and without heirs; mode of proceeding—France, 262 (obsolete); Tunisia, 850; except where legislation prevents it—Colombia (New Granada), 191.
- they may nominate curators to take charge of such property so far as local laws permit—Costa Rica, 200; Honduras, 493; Nicaragua, 630.
- they may become temporary custodians of such property—Paraguay, 658; Two Sicilies, 866.
- they may take charge of the effects of deceased sailors—Germany, 305.
- they may give bills of health and similar documents—Colombia (New Granada), 191.
- they shall not be officially responsible for the debts of their countrymen—Tunis, 850.

2. Agreements which are not reciprocal:

- the persons and houses of United States consuls to be inviolate—Muscat, 603.
- United States consuls are to have exclusive jurisdiction over crimes committed by American citizens in the territories of the other power—Borneo, 93; China, 136, 148; Japan, 518; Madagascar, 533; Morocco, 596, 597; Ottoman Porte, 644: [but this is disputed]—Siam, 768.
- they are to have exclusive jurisdiction over civil disputes between American citizens—Algiers, 12 (obsolete); Borneo, 93; China, 137, 153; Japan, 515; Madagascar, 533; Muscat, 603; Persia, 661; Siam, 768; Tripoli, 843.
- they have exclusive jurisdiction over civil disputes between an American citizen and a subject of the other power—Borneo, 93.
- they have jurisdiction jointly with officials of the country over controversies between American citizens and subjects of the other power—China, 153; Madagascar, 534; Ottoman Porte, 644; Persia, 661; Siam, 768.
- privileges of an American consul in China, 148; of a Chinese consul in the United States, 166.
- the claims of Japanese against Americans to be prosecuted in the consular courts; of Americans against Japanese in the courts of Japan, 519.
- consuls in Japan may require Americans twice convicted of felony to leave Japan, 519.
- they may require the local authorities to aid in the arrest of deserters from ships, 520.

CONSULS, TREATIES RESPECTING—Continued.

2. Agreements which are not reciprocal—Continued.

United States consuls to assist in the trial of Americans killing or wounding Moors or Algerines, or *ricersera*—Morocco, 597: same provision with Tripoli, 844; Algiers, 18, 22. United States consul to have jurisdiction over the effects of Americans deceased intestate—Morocco, 597; Muscat, 603; Persia, 662; Tripoli, 844; Algiers, 11, 23. United States consul has the right to receive, in the absence of the owner or agent, property of American citizens wrecked or captured from pirates—Muscat, 603; Ottoman Porte, 645.

(For various provisions respecting United States consuls in Dutch colonies, see *Synoptical Index*, title "*Netherlands*," treaty of January 22, 1865, page 622.)

the United States consulates should not be an asylum for subjects of other powers—Germany, 303: nor employ more servants than are allowed to Russia—Persia, 662. consuls shall not be officially responsible for the debts of their countrymen—Tripoli, 842; Algiers, 11, 16, 21.

CONTRABAND OF WAR: [See "*Blockade*," "*Prizes*," "*War*."]]

defined by treaties—Bolivia, 85; Brazil, 98; Colombia, 182; Dominican Republic, 221; Ecuador, 232; France, 251 (obsolete); Great Britain, 328 (obsolete); Guatemala, 440; Hayti, 480; Italy, 507; Mexico, 549; Netherlands, 614 (obsolete); Peru, 688; Prussia, 719; San Salvador, 749; Spain, 780; Two Sicilies, 864.

when a vessel carrying contraband is not subject to capture—Bolivia, 86; Brazil, 99; Colombia, 183; Ecuador, 233; Guatemala, 441; Hayti, 481; Mexico, 550; San Salvador, 750; Sweden, 801 [see "*Sweden and Norway*"]; Two Sicilies, 865.

proceedings against in case of capture—Hayti, 482; Dominican Republic, 223; France, 248; Great Britain, 328 (obsolete); Netherlands, 610 (obsolete).

not to be confiscated—proceedings as to—Great Britain, 328 (obsolete); Prussia, 719; the vessel carrying it may be detained, but shall be released on surrendering the contraband articles—Prussia, 719; Great Britain, 328 (obsolete).

proceedings in case of discovery of—Sweden, 803. [See "*Sweden and Norway*."]]

CONVOYS: [See "*Vessels*."]]

of each power shall take vessels of the other under their protection when going the same way—France, 245; Netherlands, 609 (obsolete).

COSTA RICA: [See *Synoptical Index*.]]

treaty of 1850 with Great Britain respecting ship-canal in, 377; neither party will occupy, fortify, colonize, or exercise dominion over it, 377.

COTTONS:

long staple and short staple brought directly to France in vessels of either country subject to the same duty, 291.

import duty on, abolished in—Hanover, 453; Mecklenburg-Schwerin, 537; Oldenburg, 641.

COUNTERFEIT MONEY: [See "*Extradition*."]]

D.

DANISH COLONIES:

beyond the Cape of Good Hope not affected by treaty of 1826, 207; direct trade between Denmark and the West Indian colonies not affected by the same, 208.

DARDANELLES, STRAITS OF:

United States vessels to enjoy the privileges of the most favored nation in, 644; when United States goods and goods in United States vessels are exempt from dues, 649; firmans for the passage of, 651.

DEBTS: [See "*War*."]]

how collected in China, 152.

DECEASED PERSONS, ESTATES OF. [See "*Consuls*," "*Personal property*," "*Real estate*."]]DENMARK. [See "*Danish colonies*," *Synoptical Index*.]]DESERTERS FROM VESSELS. [See "*Consuls*."]]DÉTRACTION, DROIT DE: [See "*Personal property*," "*Real estate*," "*Succession*."]]

abolished by treaty with Bavaria, 51; France, 247 (obsolete); Hanover, 449; Hanseatic Republics, 463; Hesse, 486; Nassau, 605; Saxony, 762; Spain, 779; Württemberg, 898; Sweden, 800.

DETROIT RIVER: [See "*Navigation*."]]

DIPLOMATIC AGENTS:

their privileges are to be those of the diplomatic agents of the most favored nation—Argentine Confederation, 29; Bolivia, 89; Brazil, 101; China, 147; Colombia (New Granada), 185; Costa Rica, 200; Ecuador, 235; Guatemala, 443; Hayti, 483; Honduras, 493; Japan, 513; Mexico, 552; Nicaragua, 631; Paraguay, 658; Persia, 660; San Salvador, 752.

they may nominate curators of property of Americans deceased intestate—Nicaragua, 630.

in Persia they are not to employ more servants than are allowed to Russians, 662; shall not afford asylum to Persian subjects, 662.

DISCRIMINATING DUTIES. [See "*Reciprocal commercial agreements*," *Synoptical Index*, titles "*France*," (treaty of 1822,) "*Netherlands*," (treaty of 1852,) "*Portugal*," (treaty of 1840,) "*Russia*," (treaty of 1822, separate article,) "*Sardinia*," (treaty of 1838, separate article,) "*Two Sicilies*," (treaty of 1855, separate article,) "*Sweden and Norway*," (treaty of 1827, separate article.)]

DOMINICAN REPUBLIC. [See *Synoptical Index*.]

DRAWBACKS AND BOUNTIES. [See "*Reciprocal commercial agreements*."]

DUES. [See "*Reciprocal commercial agreements*," "*Dardanelles*."]

DURATION OF TREATIES :

treaties which are regarded as terminated or suspended. [See Notes, title "*Abrogated, suspended, or obsolete treaties*."]

treaties declared to be "perpetual"—Belgium, 1863, articles 1 and iv, 66; Brazil, 1828, all except the articles relating to commerce and navigation, 94.

treaties with no fixed periods for their duration—Argentine Confederation, 24, 26; Belgium, 68; Bavaria, 51; Borneo, 92; China, 145, 165; Costa Rica, 197, (except as to articles IV, V, and VI;) Denmark, 213; France, 275, 289; Great Britain, 338, 350, 375, 377, 405, 411, 413, (except as to rights of fishing and transit, &c;) Hesse, 486; Japan, 512, 514, 525; Lew-Chew, 528; Liberia, 529; Madagascar, 532; Mexico, 562, 575; Muscat, 602; Ottoman Porte, 643; Peru, 687; Russia, 733, 739, 741; Saxony, 762; Siam, 764; Spain, 776, 785, (appendix) 902; Tripoli, 837, 840; Tunis, 846.

until January 1, 1839, and thenceforward to terminate on twelve months' notice—Russia, 735: until January 1, 1858, to be terminated on twelve months' notice thereafter—Austria, 37; Bavaria, 53; Hanover, 456; Prussia, 729: until June 10, 1858, and twelve months' notice thereafter—Mecklenburg-Schwerin, 535: until January 1, 1860, and for twelve months after notice—Baden, 47: until July 4, 1872, after which notice of twelve months may be given of intention to revise—Japan, 516.

treaties terminable on notice—Article 10 (extradition) of the treaty of 1842 with Great Britain, 374.

treaties terminable on six months' notice—France, 292; Sweden and Norway, 822.

treaties terminable on twelve months' notice—France, 299; Great Britain, 344, (by operation of article 1 of the treaty of 1827.)—Mexico, 579.

treaties terminable on six months' notice after two years—France, 287.

treaties terminable on twelve months' notice after two years—Austria, 35; Netherlands, 619.

treaties terminable on notice after five years—Article 8, treaty of 1842 with Great Britain, 375.

treaties terminable on notice given six months prior to the expiration of each fifth year—Italy, 501; Nicaragua, 635.

treaties terminable on twelve months' notice after five years—Italy, 503; Netherlands, 622.

treaties terminable on twelve months' notice after six years—Portugal, 699.

treaties terminable on twelve months' notice after seven years—Articles 4, 5, and 6; Costa Rica, 1851, 198-9; articles 4, 5, 6, Honduras, 1864, 492.

treaties terminable on twelve months' notice after eight years—Dominican Republic, 217; Hayti, 475; Mexico, 544, (as it was revised by the treaty of 1848, page 569.)

treaties terminable in ten years on six months' notice previous to the expiration of that time, and after that on twelve months' notice—Austria, 45; Baden, 49; Bavaria, 55; Belgium, 72; Denmark, (appendix) 910; Hesse, 487; Mexico, 585; North Germany, 638; Siam, 767; Sweden and Norway, 824; Württemberg, 900.

treaties terminable on twelve months' notice after ten years—Austria, 31, 39, (appendix) 906; Belgium, 62, 72, 74; Bolivia, 80; Denmark, 206; France, 294; Germany, 302; Great Britain, 388; Greece, 430; Hawaiian Islands, 468; Italy, 496; Netherlands, 618; Orange Free State, 919; Paraguay, 655; Persia, 660; Sardinia, 754; Sweden and Norway, 815; Swiss Confederation, 827; Württemberg, 898; Two Sicilies, 863; Austro-Hungarian Empire, 903.

treaties terminable on two years' notice after ten years—The Canadian articles of the treaty of 1871 with Great Britain, 413.

treaties terminable on one year's notice after twelve years—Brunswick and Lüneburg, 106; Ecuador, 228; Guatemala, 436; Hanseatic Republics, 461, 466; Prussia, 724; Hanover, 446.

treaties terminable after fourteen years on twelve months' notice—Ottoman Porte, 645.

treaties terminable on twelve months' notice after 15 years—Nicaragua, 627.

treaties terminable on twelve months' notice after twenty years—Columbia (New Granada), 177; [see also Columbia (*New Granada*) 1850, page 189;] San Salvador, 745.

treaty terminating in fifty years—Morocco, 593.

DUTIES: [See "*Cotton*," "*Reciprocal commercial agreements*," "*Discriminating duties*."] regulations of, with Algiers, 9.

DUTIES—Continued.

import duties in China regulated by convention, 155—Japan, 518; Siam, 769.
provisions regarding, in treaty of 1871 with Great Britain, 421.
on successions. [See "*Personal property*," "*Real estate*."]]

E.

ECUADOR. [See *Synoptical Index*.]

EDUCATION:

institution for, may be established in China, 167.

ELBE. [See "*Brünshausen dues*."]]

EMBARGO. [See "*Reciprocal privileges of citizens, &c.*"]]

EMBEZZLEMENT. [See "*Extradition*."]]

EMIGRATION:

tax on, abolished by treaty with Bavaria, 51 Hanover, 449; Hesse, 486; Nassau, 605; Saxony, 762; Württemberg, 898.

with Bavaria, without derogation to emigration laws, 52.

only free emigration permitted from China, 167.

French laws to prevent, not affected by the treaty of 1773, 243.

Russian laws to prevent, are not affected by article X of the treaty of 1832, 738.

Swedish laws to prevent, are not affected by article VI in the treaty of 1783, 801.

ENEMY. [See "*Vessels*," "*War*."]]

ESTATES. [See "*Personal Property*," "*Real estate*."]]

EXAMINATION OF BOOKS AND PAPERS. [See "*Reciprocal privileges of citizens*," &c.]]

EXTRATERRITORIALITY:

in Borneo, 93; China, 153; Japan, 518; Madagascar, 533; Morocco, 596; Persia, 661; Siam, 768; Tripoli, 843; Tunis, 850; Turkey, 644.

EXTRADITION:

granted on proof of the commission of the following crimes, in the manner pointed out in the several treaties:

Arson.—Austria, 38; Baden, 47; Bavaria, 53; Dominican Republic, 226; France, 292; Great Britain, 374; Hanover, 456; Hawaiian Islands, 473; Hayti, 485; Italy, 501; North Germany, 639; Prussia, Saxony, Hesse, Hesse on the Rhine, Saxe-Weimar, Saxe-Meiningen, Saxe-Altenburg, Saxe-Coburg-Gotha, Brunswick, Anhalt-Dessau, Anhalt-Bernburg, Nassau, Schwartzburg, Rudolstadt, Schwartzberg-Sondershausen, Waldeck, Reuss, Lippe, Hesse, Homburg, Frankfurt, 729; Bremen, 908; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; Oldenburg, 917; Orange Free State, 919; Schaumburg-Lippe, 920; Württemberg, 899; Mexico, 580; Nicaragua, 635; Sweden and Norway, 823; Swiss Confederation, 832; Two Sicilies, 871.

Assassination.—Dominican Republic, 226; France, 292; Hayti, 485; Italy, 501; Mexico, 580; Nicaragua, 635; Orange Free State, 919; Sweden and Norway, 823; Swiss Confederation, 832; Two Sicilies, 870.

Assault with intent to commit murder.—Austria, 38; Baden, 47; Bavaria, 53; Bremen, 908; Dominican Republic, 226; France, 292; Great Britain, 374; Hanover, 456; Hayti, 485; Italy, 501; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; North Germany, 639; Oldenburg, 917; Orange Free State, 919; Prussia, &c. (see "*Arson*" for enumeration), 729; Mexico, 580; Sweden and Norway, 823; Swiss Confederation, 832; Two Sicilies, 871.

Burglary.—France, 293; Italy, 501; Mexico, 580; Nicaragua, 635; Sweden and Norway, 823.

Counterfeit money, fabrication or circulation of.—Austria, 38; Baden, 47; Bavaria, 53; Bremen, 908; Dominican Republic, 226; France, 292; Hanover, 456; Hayti, 485; Italy, 501; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; Oldenburg, 917; North Germany, 639; Prussia, &c. (see "*Arson*" for enumeration), 729; Mexico, 580; Nicaragua, 635; Sweden and Norway, 823; Schaumburg-Lippe, 920; Two Sicilies, 871; Württemberg, 899; *introduction or making instruments for the fabrication of*—Mexico, 580.

Counterfeiting bonds, bank-notes, seals, dies, stamps, &c.—Italy, 501; Nicaragua, 635; Two Sicilies, 871.

Embezzlement of public money.—Austria, 38; Baden, 47; Bavaria, 53; Bremen, 908; Hanover, 456; Italy, 502; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; Oldenburg, 917; North Germany, 639; Prussia, &c. (see "*Arson*" for enumeration), 729; Mexico, 580; Nicaragua, 636; Schaumburg-Lippe, 924; Württemberg, 899; Two Sicilies, 871.

By public officers.—Dominican Republic, 226; France, 292; Hayti, 485; Nicaragua, 636; Orange Free State, 919; Sweden and Norway, 823; Swiss Confederation, 832; Two Sicilies, 871.

By persons hired or salaried.—Dominican Republic, 226; Hayti, 485; France, 299; Italy, 502, 503; Nicaragua, 636; Orange Free State, 919; Swiss Confederation, 832.

EXTRADITION—Continued.

granted on proof of the commission of the following crimes, in the manner pointed out in the several treaties—Continued.

Forged paper, utterance of.—Bavaria, 53; France, 298; Bremen, 908; Great Britain, 374; Hanover, 456; Hawaiian Islands, 473; Hayti, 485; Italy, 501; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; Oldenburg, 917; North Germany, 639; Orange Free State, 919; Prussia, &c. (see "*Arson*" for enumeration), 729; Mexico, 580; Nicaragua, 635; Swiss Confederation, 832.

Forgery.—Austria, 38; Baden, 47; Bavaria, 53; Bremen, 908; Dominican Republic, 226; France, 292, 298; Great Britain, 332 (obsolete), 374; Hanover, 456; Hawaiian Islands, 473; Hayti, 485; Italy, 501; North Germany, 639; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; Oldenburg, 917; Orange Free State, 919; Prussia, &c. (see "*Arson*" for enumeration), 729; Mexico, 580; Nicaragua, 635; Sweden and Norway, 823; Swiss Confederation, 832; Schaumburg-Lippe, 920; Württemberg, 899; Two Sicilies 871.

Infanticide.—Dominican Republic, 226; France, 292; Hayti, 485; Italy, 501; Mexico, 580; Nicaragua, 635; Orange Free State, 919; Sweden and Norway, 823; Swiss Confederation, 832; Two Sicilies, 870.

Intimidation (or forcible entry of an inhabited house).—Dominican Republic, 226; Orange Free State, 919; Swiss Confederation, 832; Two Sicilies, 871.

Kidnapping.—Mexico, 580.

Larceny of cattle or other goods and chattels of the value of \$25 and more.—Mexico, 580.

Mutiny.—Italy, 501; Nicaragua, 635; Sweden and Norway, 823.

Murder.—Austria, 38; Baden, 47; Bavaria, 53; Bremen, 908; Dominican Republic, 226; France, 292; Great Britain, 332 (obsolete), 374; Hanover, 456; Hawaiian Islands, 473; Hayti, 485; Italy, 501; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; Oldenburg, 917; North Germany, 639; Prussia, &c. (see "*Arson*" for enumeration), 729; Mexico, 580; Nicaragua, 635; Orange Free State, 919; Sweden and Norway, 823; Swiss Confederation, 832; Two Sicilies, 870; Schaumburg-Lippe, 920; Württemberg, 899.

Parricide.—Dominican Republic, 226; France, 292; Hayti, 485; Italy, 501; Mexico, 580; Nicaragua, 635; Orange Free State, 919; Sweden and Norway, 823; Swiss Confederation, 832; Two Sicilies, 870.

Piracy.—Austria, 38; Baden, 47; Bavaria, 53; Bremen, 908; Dominican Republic, 226; Great Britain, 374; Hanover, 456; Hawaiian Islands, 473; Hayti, 485; Italy, 501; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; Oldenburg, 917; North Germany, 639; Orange Free State, 919; Prussia, &c. (see "*Arson*" for enumeration), 729; Mexico, 580; Nicaragua, 635; Sweden and Norway, 823; Swiss Confederation, 832; Schaumburg-Lippe, 920; Two Sicilies, 870; Württemberg, 899.

Poisoning.—Dominican Republic, 226; France, 292; Hayti, 485; Italy, 501; Mexico, 580; Nicaragua, 635; Orange Free State, 919; Sweden and Norway, 823; Swiss Confederation, 832; Two Sicilies, 870.

Rape.—Dominican Republic, 226; France, 292; Hayti, 485; Italy, 501; Mexico, 580; Nicaragua, 635; Orange Free State, 919; Sweden and Norway, 823; Swiss Confederation, 832; Two Sicilies, 870.

Robbery.—Austria, 38; Baden, 47; Bavaria, 53; Bremen, 908; Dominican Republic, 226; France (as defined in the treaty), 293; Great Britain, 374; Hanover, 456; Hawaiian Islands, 473; Hayti, 485; Italy, 501; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; North Germany, 639; Oldenburg, 917; Orange Free State, 919; Prussia, &c. (see "*Arson*" for enumeration), 729; Mexico, 580; Nicaragua, 635; Schaumburg-Lippe, 920; Sweden and Norway, 823; Swiss Confederation, 832; Württemberg, 899; Two Sicilies, 870.

Vol Qualifié.—France, 293.

The expenses of the detention and delivery are to be borne by the party making the demand. [All the treaties referred to under "*Murder*," *Supra*.]

Extradition will not be granted for political offenses—Austria, 38; Baden, 48; Dominican Republic, 226; France, 293; Hayti, 485; Italy, 502; Mexico, 580; Nicaragua, 636; Sweden and Norway, 823; Swiss Confederation, 832; Two Sicilies, 871; nor to offenses committed before the treaty—Orange Free State, 919.

citizens of the country in which the demand is made are not to be given up—Austria, 38; Baden, 48; Bavaria, 53; Bremen, 908; Hanover, 457; Hayti, 485; Mexico, 580; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; North Germany, 639; Oldenburg, 917; Prussia, &c. (see "*Arson*" for enumeration), 729; Sweden and Norway, 823; Two Sicilies, 871.

if the person demanded has committed crimes in the state where he is found, no surrender is to be made till after punishment of such crimes—Austria, 38; Baden, 48; Bavaria, 54; Bremen, 908; Hanover, 457; Italy, 502; Nicaragua, 636; Mecklenburg-Schwerin, 915; Mecklenburg-Strelitz, 916; North German Confederation, 639; Oldenburg, 917; Prussia, &c. (see "*Arson*" for enumeration), 729; Schaumburg-Lippe, 920; Sweden and Norway, 823; Württemberg, 899.

provisions in the treaty with Siam relating to extradition, 768.

former treaties of, continued—Austria, 46; Baden, 50; Bavaria, 55; North German Union, 639.

F.

- FAVORED-NATION CLAUSE.** [For reciprocal agreements in this respect see "*Consuls*," "*Diplomatic agents*," "*Persia*," "*Real estate*," "*Reciprocal commercial agreements*," "*Reciprocal privileges of citizens, &c.*" "*Ships of war.*"]
- the general clause in the treaty with Bolivia applies only, in what pertains to the navigation of rivers, to concessions which the government may authorize for navigating fluvial streams which do not present obstructions, 80.
- privileges or rights granted to citizens or subjects of any other nation respecting their commerce and navigation at the Sound and Belts, or of transit through Danish territory, to be enjoyed by citizens of the United States, 214.
- construction of the words "most favored nation"—Ecuador, 237.
- ships of France on the footing of the most favored nation in the ports of Louisiana, ceded by the treaty of 1803, 277.
- the commerce of the United States in the ports of the other power on the same basis as that of the most favored nation, the agreement not being reciprocal—Morocco, 596; Ottoman Porte, 646; Siam, 770; China, 154; Muscat, 602.
- goods imported into the ports of the other power in American bottoms to pay the same duties as those imported in vessels of the most favored nation, the agreement not being reciprocal—Japan, 518; Muscat, 603.
- FERROÉ ISLANDS:**
not affected by the treaty of 1826 with Denmark, 207.
- FISHERIES:**
exempted from the operation of the commercial treaty with Belgium, 64; provisions as to, in treaty of 1778 with France, 246; of 1800 with France, 274; of 1782 with Great Britain, 310; of 1783 with Great Britain, 316; description of, in the convention of 1818 with Great Britain, 350; provisions respecting, in the reciprocity treaty of 1854 with Great Britain, 385; provisions as to, in the treaty of 1871 with Great Britain, 420; exempted from the operation of the commercial treaty with the Netherlands, 621; with the Two Sicilies, 868.
- FLORIDA:**
treaty for the cession of, 785.
- FORCED LOANS.** [See "*Reciprocal privileges of citizens, &c.*"]
- FORGED PAPERS, UTTERANCE OF.** [See "*Extradition.*"]
- FORGERY.** [See "*Extradition.*"]
- FRANCE:** [See *Synoptical Index*, notes, title "*Abrogated, suspended, or obsolete treaties.*"]
debt to, stated in contract of 1782 (obsolete), 254; loan, 258 (obsolete).
- FREEDOM OF COMMERCE.** [See "*Reciprocal commercial agreements.*"]
- FREE NAVIGATION.** [See "*Navigation.*"]
- FREE PORTS:**
grant of, to the United States, by France, 253 (obsolete).
- FREE SHIPS, FREE GOODS.** [See "*Neutral vessels.*"]

G.

- GERMANIC CONFEDERATION:**
the States of, may accede to the provisions of the treaty of commerce of 1846 with Hanover, 455.
- GERMAN EMPIRE.** [See *Synoptical Index*.]
- GILA RIVER.** [See "*Navigation.*"]
- GOOD OFFICES:**
when to be exercised in favor of China, 145.
- GREAT BRITAIN:** [See "*Alienage*," notes, titles "*Abrogated, suspended, or obsolete treaties*," *Synoptical Index*.]
treaties prior to the war of 1812 with, regarded by Great Britain as terminated, 314, note.
- GREECE.** [See *Synoptical Index*.]
- GREENLAND:**
not affected by the treaty of 1826 with Denmark, 207.
- GUARANTEE:**
mutual guarantees of possessions, France (obsolete), 243; by the United States, of the neutrality of the Isthmus of Panama, 187; of the neutrality of ship-canal in Nicaragua, 379; of an interoceanic railway in Honduras, 495; of an interoceanic route in Nicaragua, 632; how the latter guarantee can be withdrawn, 633.
- GUATEMALA.** [See *Synoptical Index*.]

H.

- HANOVER:** [See *Synoptical Index*.]
treaties with it regarded as terminated, 446.

- HANSEATIC REPUBLICS. [See *Synoptical Index*.]
 incorporated into North German Union, 461.
 HARBOR DUES. [See "*Reciprocal commercial agreements*."] *HAWAIIAN ISLANDS*. [See *Synoptical Index*.]
 HAYTI. [See *Synoptical Index*.]
 HESSE: [See *Synoptical Index*.]
 portion of, incorporated into North German Union, 487.
 HONDURAS. [See *Synoptical Index*.]
 HUDSON'S BAY COMPANY:
 rights of, protected by treaty of 1846 with Great Britain, 376.
 convention for determining the claims of, 402.

I.

- ICELAND:
 not affected by treaty of 1826 with Denmark, 207.
 IMPORT DUTIES: [See "*Reciprocal commercial agreements*," "*Cottons*,"]
 special provisions in treaty with Belgium, 67.
 INDEPENDENCE OF THE UNITED STATES:
 the object of the treaty of alliance with France, 241.
 acknowledged by Great Britain, 309, 315.
 INDIANS:
 agreements regarding—Spain, 777; Great Britain as to trading, 319, (Jay's treaty,) 333, 343; France, 277; Mexico, 554.
 INFANTICIDE. [See "*Extradition*."] *INFRACTIONS OF TREATIES BY CITIZENS*:
 governments not responsible for, of 1828 with Brazil, 103; of 1846 with Columbia (New Granada), 187; of 1839 with Ecuador, 237; of 1831 with Mexico, 554; of 1840 with Portugal, 703; of 1850 with San Salvador, 754; of 1849 with Guatemala, 445; of 1858 with Bolivia, 90.
 INTERNAL IMPROVEMENTS. [See "*China*."] *INTEROCEANIC COMMUNICATIONS*: [See "*Central America*," "*Costa Rica*," "*Guarantee*," "*Nicaragua*."] *between North and South America to be protected*—Great Britain, 379; agreements with Mexico respecting Tehuantepec, 578; grants to citizens of the United States across Nicaragua, 632; United States may transport troops and closed mails across Nicaragua, 632; may protect the route by force, 633; dividends of companies in Nicaragua limited, 634.
 INTERVENTION. [See "*China*."] *INTIMIDATION, OR FORCIBLE ENTRY*. [See "*Extradition*."] *ITALY*. [See *Synoptical Index*.]

J.

- JAPAN. [See notes, title "*Abrogated, suspended, or obsolete treaties*;" *Synoptical Index*, title "*Japan*."] *L*.

L.

- LAND-GRANTS:
 certain, prior to the treaty of 1842 with Great Britain to be valid, 372; same as to grants prior to treaty of 1846 with same power, 376; provisions concerning land-grants in Florida, 790; land-grants in California, 574; in Arizona, 577.
 LA PLATA RIVER. [See "*Navigation*."] *LEGALIZATION OF PAPERS*. [See "*Consuls*."] *LETTERS OF MARQUE*: [See "*Piracy*," "*Privateers*."] *they are not to be taken by citizens of one state in the service of an enemy of the other*—Bolivia, 87; Brazil, 101; Columbia (New Granada), 185; Dominican Republic, 225; Ecuador, 235; France, 250 (obsolete); Great Britain, 330 (obsolete); Guatemala, 442; Hayti, 483; Morocco, 594; Netherlands, 613 (obsolete); Prussia, 721; San Salvador, 752; Spain, 780; Sweden, 806. [See *Sweden and Norway*.]
 LEW-CHEW. [See *Synoptical Index*.]
 LIBERIA: [See *Synoptical Index*.]
 its, relations with the native inhabitants, 531.
 LIBERTY OF CONSCIENCE. [See "*Reciprocal privileges of citizens, &c.*"] *LIGHT-DUES*: [See "*Reciprocal commercial agreements*."] *amount limited by treaty with France*, 288.
 LOUISIANA:
 cession of, by France, 276; payment for it, 277; certain claims of United States citizens on France to be satisfied by the United States, 280.

M.

- MACEDONIAN CLAIMS. [See *Synoptical Index*, title "*Chili*."]
 MADAGASCAR. [See *Synoptical Index*.]
 MADRAS :
 trade with (obsolete), 346.
 MAILS :
 provisions respecting, in treaty with Hawaiian Islands, 473.
 MANUFACTURES. [See "*Reciprocal commercial agreements*."]
 MARQUE. [See "*Letters of marque*."]
 MARTIN GARCIA :
 provisions concerning the island of, 25.
 MECKLENBURG-SCHWERIN; incorporated with the German Union. Accession to convention of commerce, navigation, &c., with Hanover, 535; accession to extradition convention, (appendix) 915: [See *Synoptical Index*.]
 MECKLENBURG-STRELITZ; incorporated with the German Union, 541. Accession to extradition convention, (appendix) 916: [See *Synoptical Index*.]
 MEDIATION :
 when the President will act as a friendly mediator with Japan, 516.
 MEXICO : [See "*Indian land-grants*," notes, title "*Abrogated, suspended, or obsolete treaties*," *Synoptical Index*.]
 treaty of commerce of 1831 revived by article 17, treaty of 1848, 569.
 MEXICO, GULF OF :
 conquered British islands in or near to, belong to France, 242.
 MICHIGAN, LAKE. [See "*Navigation*."]
 MILITARY SERVICE. [See "*Reciprocal privileges of citizens, &c.*"]
 MISSISSIPPI. [See "*Navigation*."]
 provision for the survey of.—Great Britain, 320.
 MITCHELL'S MAP :
 recognized as the map used in framing the treaty of 1783 with Great Britain, 368.
 MIXED TRIBUNALS :
 established by the slave-trade treaty of 1862 with Great Britain, 388; abolished by the convention of 1870, 407.
 MOROCCO : [See notes, title "*Abrogated, suspended, or obsolete treaties*," *Synoptical Index*.]
 a light-house to be maintained at Cape Spartel, 598.
 MOSQUITO COAST :
 neither party to occupy, fortify, colonize, or assume jurisdiction over—Great Britain, 377.
 MOST FAVORED NATION. [See "*Favored-nation clause*."]
 MURDER. [See "*Extradition*."]
 MUSCAT. [See *Synoptical Index*.]

N.

- NASSAU : [See *Synoptical Index*.]
 absorbed in the kingdom of Prussia, 605.
 NATURALIZATION :
 citizens of one nationality are to be deemed and taken to have become citizens of the other, who during a continuous residence of five years in the territories of the other have become naturalized there—Austria, 45; Sweden and Norway, 824: who have resided uninterruptedly there five years, and before, during, or after that time, have become or shall become naturalized—Baden, 49: who have become or shall become naturalized, and shall have resided there uninterruptedly five years—Bavaria, 55; Hesse, 488; Mexico, 585; North Germany, 638; as explained in the protocol, 639—Württemberg, 900: who may or shall have been naturalized there—Belgium, 73; Denmark, (appendix) 909; who have become or shall become naturalized—Great Britain, 405.
 the declaration of intention to become a citizen has not the effect of citizenship—Austria, 45; Baden, 49; Bavaria, 55; Hesse, 488; Mexico, 585; North Germany, 638; Sweden and Norway, 824; Württemberg, 900.
 naturalized citizens are liable on return to their original country to be tried and punished for offenses committed before emigration, subject to the limitations established by law—Austria, 45; Baden, 49; Bavaria, 55; Belgium, 73; Hesse, 488; Mexico, 585; North-Germany, 638; Sweden and Norway, 824; Württemberg, 900; but not for emigration itself—Bavaria, 57; Sweden and Norway, 825.
 when a naturalized citizen remains liable to trial and punishment for violation of laws of his old country relative to military duty—Austria, 45; Baden, 49; Belgium, 73; Sweden and Norway, 826.
 a naturalized citizen may renounce his acquired citizenship—Austria, 46; Baden, 50; Bavaria, 55; Hesse, 488; Mexico, 585; North Germany, 639; Sweden and Norway, 826; Württemberg, 900: but this renunciation does not entitle him to recover his former citizenship without the consent of the government—Bavaria, 57.
 a return of the naturalized citizen to his original country is not of itself a renunciation—Austria, 46; Baden, 50.

NATURALIZATION—Continued.

- no fixed period of residence in his original country works of itself a renunciation—Austria, 46—Baden, 50.
- a residence in the old country without intent to return works a renunciation—Bavaria, 55; Denmark, (appendix) 910; Hesse, 488; Mexico, 585; North Germany, 639; Sweden and Norway, 826; Württemberg, 900.
- the intent not to return may be held to exist when the residence is for more than two years—Bavaria, 56; Denmark, (appendix) 910; Hesse, 489; Mexico, 586; North Germany, 639; Sweden and Norway, 826; Württemberg, 900: but that presumption may be rebutted by evidence—Mexico, 586.
- naturalized citizens may re-acquire their lost citizenship in the old country in the manner provided by law—Belgium, 73; Denmark, (appendix) 909–910; in the manner and on the conditions prescribed by the old government—Great Britain, 406; Sweden and Norway, 825.
- provisions concerning citizenship of inhabitants of territories annexed to the United States—France, 276; Spain, 790; Mexico, 566, 577; Russia, 742.

NAVIGATION:

- of the Parana and Uruguay, 24; of the Amazon and La Plata, 88; of the Mississippi, Great Britain, 312, 317, 319; Spain, 777; of Saint John River, New Brunswick, 372; of the Saint Lawrence, 373; of the Detroit, 373; of the Saint Clair, 373; of the Columbia, 376; of the Saint Lawrence, 423; of the Yukon, Porcupine, and Stikton, 423; of Lake Michigan, 423; of the Canadian canals, 423; of the canal on Saint Clair Flats, 423; of the Gulf of California and the river Colorado, 565; of the Gila and the Bravo, 566; of the Paraguay, 655.

NETHERLANDS, THE. [See "*Discriminating duties*," *Synoptical Index*, notes, title "*Abrogated, suspended, or obsolete treaties*."]]

NEUTRALITY:

- violations of, in building, arming, equipping, or increasing the force of cruisers, or in permitting neutral ports to be made the base of hostile operations, provisions respecting, in treaty of 1794 with Great Britain, 323; of 1871, 415.

NEUTRALS: [See "*Privateers*," "*Prizes*."]]

- one power being neutral shall protect the vessels and effects of the other in the waters within its jurisdiction—Algiers, 16, 21; France, 245; Great Britain, 331; Morocco, 595; Netherlands, 608; Prussia, 709; Tripoli, 842; Tunis, 848.
- shall recover and restore vessels and effects which may be captured within their jurisdiction—France, 245; Netherlands, 608; Prussia, 709.
- shall use their utmost endeavors to obtain full and ample satisfaction in such case—Great Britain, 331.

the vessels of one party, being a belligerent, sailing from ports of the other party, being a neutral, no vessels belonging to the enemy shall sail for twenty-four hours after departure—Morocco, 595; Algiers, 16 (obsolete); Tripoli, 838.

neutrals are bound to prevent, within their jurisdiction, the fitting out, arming, or equipping of vessels intended to carry on war against a power with which they are at peace—Great Britain, 415; and to detain such vessels when coming again within their jurisdiction, 415; not to permit their ports to be made bases of hostile naval operations, 416; not to permit renewals or augmentations of military supplies or arms, or recruitment of men to be made there, 416; to use due diligence to prevent such violations of neutral duties, 416.

neutral's property found in enemy's vessels to be protected, unless contraband of war—Bolivia, 85; Dominican Republic, 222; Hayti, 480; Morocco, 594; Peru, 688; Russia, 740; Two Sicilies, 862.

such property, if captured, is to be restored—Morocco, 594; Tunis, 846; Tripoli, 841.

such property is liable to capture unless put on board in ignorance of the war.—Brazil, 98; Colombia (New Granada), 182; Ecuador, 232; Guatemala, 440; Mexico, 549; Netherlands, 611 (obsolete); San Salvador, 749; Sweden, 803. [See "*Sweden and Norway*."]]

neutrals taken on enemy's vessels are to be set at liberty—Morocco, 594; Tripoli, 841; Tunis, 846.

may trade with the enemy except in contraband of war—Bolivia, 85; Brazil, 98; Colombia (New Granada), 182; Dominican Republic, 221; Ecuador, 232; France, 251 (obsolete); Guatemala, 439; Hayti, 479; Italy, 508; Mexico, 548; Prussia, 710; San Salvador, 749; Spain, 780; Sweden, 801.

NEUTRAL VESSELS:

protect enemies, except officers or soldiers in actual service—Dominican Republic, 222; Ecuador, 232; France, 251 (obsolete); Guatemala, 440; Netherlands, 611 (obsolete); Prussia, 710; San Salvador, 749; Spain, 780; Sweden, 801; Hayti, 480; Italy, 508; Mexico, 549.

protect enemies' property, except contraband of war—Algiers, 15, 19 (obsolete); Bolivia, 85; Brazil, 98; Colombia (New Granada), 182; Dominican Republic, 222; Ecuador, 232; France, 251 (obsolete); Guatemala, 439; Hayti, 479; Italy, 507;

NEUTRAL VESSELS—Continued.

protect enemies' property, except contraband of war—Continued.

Mexico, 549; Netherlands, 610 (obsolete); Peru, 688; Prussia, 710; Russia, 740; San Salvador, 749; Spain, 780; Sweden, 801 (see "*Sweden and Norway*"); Tripoli, 837, 841; Tunis, 846; Two Sicilies, 862.

this rule will be applied to the commerce and navigation of all powers who adopt it—Bolivia, 85; Brazil, 98; Colombia (New Granada), 182; Dominican Republic, 222; Ecuador, 232; Guatemala, 440; Hayti, 480; Italy, 508; Mexico, 549; Peru, 688; Russia, 740; San Salvador, 749; Two Sicilies, 862; Spain, 793.

neutral vessels are not to be confiscated if found in a besieged port after capture—Bolivia, 86; Brazil, 99; Colombia (New Granada), 183; Dominican Republic, 221; Ecuador, 233; Hayti, 479; Mexico, 550; San Salvador, 750.

NEWFOUNDLAND:

provisions respecting reciprocity for fisheries and markets for fish—Great Britain, 425.

NEW GRANADA: [See *Synoptical Index*, titles "*Colombia*," "*New Granada*."]

represented by the United States of Colombia, 196.

NICARAGUA: [See "*Guarantee*," "*Interoceanic communications*," *Synoptical Index*.]

neither power will occupy, fortify, colonize, or exercise dominion over it.—Great Britain, 377: free ports to be established on the Atlantic and Pacific—Nicaragua, 632.

NORTH GERMAN UNION. [See *Synoptical Index*.]

O.

OLDENBURG: [See *Synoptical Index*.]

has become a state of the North German Union. Accession to convention of commerce, navigation, &c., with Hanover, 641; accession of extradition convention, (appendix) 917.

OTTOMAN PORTE. [See *Synoptical Index*.]

P.

PACIFIC OCEAN:

neither party shall restrain citizens of the other in its navigation—Russia, 733; citizens of each not to resort to settlements of the other, 734; what commerce is forbidden, 734.

PANAMA, ISTHMUS OF:

the rights of the United States and its citizens in and upon defined, 187.

PARAGUAY. [See "*Navigation*," *Synoptical Index*.]

PARANA. [See "*Navigation*,"]

PARRICIDE. [See "*Extradition*,"]

PASSENGER-PACKETS. [See "*Ships of war*,"]

PASSPORTS: [See "*Prizes*," "*Vessels*,"]

effect of—Algiers, 15 (obsolete); Dominican Republic, 217; Netherlands, 624.

form of, France, (appendix) 910.

PEACE, TREATY OF:

when to take effect—Great Britain, 314; Mexico, 562.

PERSIA: [See *Synoptical Index*.]

crimes committed by Persians in the United States, and *vice versa*, to be judged according to the rules adopted respecting subjects of the most favored nation, 661.

PERSONAL PROPERTY: [See "*Aubaine*," "*Droit de*," "*Consuls*," "*Détraction*," "*Droit de*," "*Succession*,"]

citizens of each, in the country of the other, may own personal property, and may dispose of it by gift, will, or in any other way, and may take such property by gift, purchase, will, or succession, paying only such dues as the inhabitants of the country would pay in such case—Austria, 33, 35; Bavaria, 52; Bolivia, 84; Brazil, 97; Brunswick and Luneberg, 106; Colombia (New Granada) 180; Costa Rica, 199; Dominican Republic, 218; Ecuador, 231; France, 226; Guatemala, 438; Hanover, 449; Netherlands, 609 (obsolete); Mecklenburg-Schwerin, 539; Mexico, 548; Oldenburg, 641; Hanseatic Republics, 463; Hawaiian Islands, 470; Hayti, 477; Hesse-Cassel, 486; Honduras, 492; Italy, 510; Nassau, 605; Nicaragua, 629, 630; Orange Free State, 918; Paraguay, 657; Portugal, 703; Prussia, 728; Russia, 738; San Salvador, 748; Sardinia, 760; Saxony, 762; Spain, 779; Swiss Confederation, 827, 830; Two Sicilies, 866; Württemberg, 898.

citizens of each in the country of the other may own, and succeed, as above, and on removal of the property, it shall be exempted from all duty called "*Droit de détraction*"—France, 247 (obsolete); Sweden, 800. [See "*Sweden and Norway*,"]

in case of the absence of persons who would be entitled to personal property so situated, on the death of the owner, the property shall receive the same care which would be bestowed upon the property of a native—Austria, 34, 35; Bavaria, 52; Brunswick and Luneberg, 106; Dominican Republic, 219; Hanover, 449, 454; Hawaiian Islands, 470; Hayti, 477; Hesse-Cassel, 487; Honduras, 493; Mecklenburg-Schwerin, 539; Nassau, 606; Orange Free State, 918; Prussia, 728; Russia, 738;

PERSONAL PROPERTY—Continued.

in case of the absence of persons who would be entitled to personal property so situated, on the death of the owner the property shall receive the same care which would be bestowed upon the property of a native—Continued.

Sardinia, 760; Saxony, 763; Spain, 779; Swiss Confederation, 827; Two Sicilies, 866; Württemberg, 899.

disputes as to the inheritance of such property shall be decided by the courts of the country where the property is situated—Austria, 34; Brunswick and Luneberg, 106; Dominican Republic, 219; Hanover, 449, 454; Hawaiian Islands, 470; Hayti, 477; Hesse-Cassel, 487; Honduras, 492; Mecklenburg-Schwerin, 539; Nassau, 606; Orange Free State, 919; Prussia, 728; Russia, 738; Sardinia, 760; Saxony, 763; Spain, 779; Swiss Confederation, 827; Two Sicilies, 866; Württemberg, 899.

PERU. [See notes, title "*Abrogated, suspended, or obsolete treaties*," *Synoptical Index*.]

PERU-BOLIVIA. [See notes, title "*Abrogated, suspended, or obsolete treaties*,"]

PILOTAGE: [See "*Reciprocal commercial agreements*,"]

amount limited by treaty with France, 288.

PIRACY: [See "*Extradition*," "*Letters of marque*,"]

when accepting a letter of marque or commission may be—Brazil, 101; Colombia (New Granada), 185; Ecuador, 235; France, 250 (obsolete); Guatemala, 442; Great Britain, 330 (obsolete); Prussia, 721; San Salvador, 752; Spain, 780; Sweden, 806.

PIRATES: [See "*Captures*,"]

how punished in China, 149.

POISONING. [See "*Extradition*,"]

POLAND:

treaty with Russia of 1832 extends to, so far as applicable, 738.

PORCUPINE RIVER. [See "*Navigation*,"]

PORT-DUES: [See "*Reciprocal commercial agreements*,"]

of Antwerp, 67; limited by treaty with France, 288.

PORTS:

what are open in China, 149; in Japan, 517.

PORTUGAL. [See "*Discriminating duties*," *Synoptical Index*.]

PRISONERS OF WAR. [See "*War*,"]

POST-OFFICE PACKETS. [See "*Ships of war*,"]

PRIVATEERS: [See "*Asylum*," "*Letters of marque*,"]

forbidden to be fitted out in ports of either country to act against the other, to sell or exchange prizes there, or to purchase provisions, except sufficient to take them to the next port of their own country—Dominican Republic, 224; Hayti, 483; France, 251 (obsolete); Great Britain, 330 (obsolete).

every person fitting out a privateer in either country shall give bonds to answer all damage, Bolivia, 86; Brazil, 100; Colombia (N. G.), 183; Dominican Republic, 223; Ecuador, 234; Great Britain, 329 (obsolete); Guatemala, 441; Hayti, 481; Mexico, 550; Netherlands, 611 (obsolete); Prussia, 720; San Salvador, 751; Sweden, 804; [see "*Sweden and Norway*,"]

PRIVILEGES AND PROTECTION: [See "*Consuls*," "*Reciprocal privileges of citizens, &c.*,"]

afforded to citizens of the United States residing or being within the territories subject to the jurisdiction of the other power—China, 148, 149, 167; Japan, 517, 518, 519; Netherlands Colonies, 624; Morocco, 596; Siam, 769.

PRIZES: [See "*Asylum*,"]

of one party may be taken into such ports of the other as are open to friendly nations, and shall not be interfered with or detained—France, 249 (obsolete); Great Britain, 331; Sweden, 805 [see "*Sweden and Norway*,"]; and in such case shall not be obliged to pay duties charged, &c.—France, 249 (obsolete); Hayti, 482; Prussia, 721; Dominican Republic, 224; Great Britain, 331 (obsolete).

if captured by privateers they shall not be sold or exchanged in the neutral port—Dominican Republic, 224; Great Britain, 330, (obsolete); Hayti, 483.

to be restored and the persons on board released—Morocco, 594.

how vessels of one power taken into the ports of the other as prizes for carrying contraband of war are to be treated—Dominican Republic, 223; Hayti, 482.

the sale of contraband, without a judgment of confiscation is not allowed—Dominican Republic, 224; Hayti, 482.

in time of war the officers of captured vessels are not to be removed while the vessel is at sea, nor pending proceedings—Dominican Republic, 224; Hayti, 482.

they are not to be deprived of their wearing-apparel, and they are to be allowed their private moneys to the amount not exceeding five hundred dollars—Dominican Republic, 224; Hayti, 482.

American vessels captured by an enemy and taken to the ports of Tripoli cannot be sold in the ports of the other party—Algiers, 10, 22; Tripoli, 843.

American vessels carrying their prizes into the ports of the other party may sell them there free from duties—Algiers, 10; Tripoli, 843.

what papers an American citizen purchasing a prize from Tunis must take, and their effect—Tunis, 847.

PRIZES—Continued.

prizes shall not be adjudged lawful if the declaration of war could not have been known at the last port from which the prize sailed—Netherlands, 612 (obsolete).

PRIZE CAUSES:

shall be heard only in established courts; the judgment shall state the reasons on which it is founded, and a copy shall be delivered to the master or agent of the vessel, if demanded, and the legal fees paid—Bolivia, 87; Brazil, 100; Colombia (New Granada), 184; Dominican Republic, 224; Ecuador, 234; Guatemala, 442; Hayti, 482; Mexico, 551; San Salvador, 751.

the certificate of condemnation and bill of sale shall be a sufficient passport for one year—Tripoli, 837: for two years—Tripoli, 841: for six months—Algiers, 20.

PRUSSIA. [See "*Prizes*," "*Ships of War*," "*War*," *Synoptical Index*, notes, title "*Abrogated, suspended, or obsolete treaties*."]]

PRUSSIA AND OTHER STATES. [See *Synoptical Index*.]

PRODUCE AND MANUFACTURE. [See "*Reciprocal commercial agreements*."]]

PUGET'S SOUND AGRICULTURAL COMPANY:

provisions of the treaty of 1846 respecting their lands—Great Britain, 376; convention for determining the claims of, 402.

Q.

QUARANTINE. [See "*Reciprocal commercial agreements*."]]

R.

RAPE. [See "*Extradition*."]]

REAL ESTATE: [See "*Alienage*," "*Aubaine, Droit de*," "*Consuls*," "*Détraction, Droit de*," "*Succession*."]]

citizens and subjects of each nation are to be on the footing of the most favored nation in the territories of the other—Italy, 510.

citizens of each country may dispose of real estate in the territories of the other by will, donation, or otherwise—France, 247 (obsolete); Bavaria, 52; Colombia (New Granada), 180; San Salvador, 748; Two Sicilies, 856.

their heirs, legatees, and donees, being citizens or subjects of the other contracting party may succeed to their real estate—Bavaria, 52; Colombia (New Granada), 180; France, 247 (obsolete); San Salvador, 748; Two Sicilies, 866.

citizens of each country may dispose of real estate in the territories of the other where the laws of the state in which it is situated permit it to be done—Nicaragua, 630; Swiss Confederation, 830.

citizens of each country may possess real estate in the territories of the other, and dispose of it in the same manner as citizens can—France, 296; San Salvador, 745. the United States are to recommend states where this is not permitted, to pass laws to allow it; and France reserves the right of establishing reciprocity, 296.

where, on the death of the owner, real estate in the territories of the one power descends upon a citizen of the other, who is disqualified by alienage from taking, he shall be allowed two years to sell the land and withdraw the proceeds—Austria, 35; Bavaria, 51; Hesse, 486; Nassau, 605; Saxony, 762; Würtemberg, 898.

he shall be allowed three years—Brazil, 97; Ecuador, 231; Guatemala, 439; Hanseatic Republics, 463; Swiss Confederation, 827.

he shall have the longest period allowed by law—Bolivia, 84; Dominican Republic, 219.

he shall be allowed the time allowed by the law of the state or country—Brunswick and Lüneburg, 107; Nicaragua, 630; Orange Free State, 918; Portugal, 703; Russia, 738; Swiss Confederation, 830.

he shall be allowed a reasonable time—Hanover, 449, 455; Hawaiian Islands, 470; Portugal, 703; Prussia, 728; Russia, 738; Sardinia, 760; Spain, 779; Mecklenburg-Schwerin, 539.

the time allowed may be prolonged by the government in whose territories the land is situated—Austria, 35; Hesse, 486; Nassau, 605; Saxony, 762; Würtemberg, 898.

the tax or dues charged on the succession or withdrawal is to be the same as that imposed upon natives—Austria, 35; Bavaria, 52; Bolivia, 84; Brazil, 97, Brunswick and Lüneburg, 107; Colombia (New Granada), 181; Dominican Republic, 219; Ecuador, 231; France, 296; Nicaragua, 630; Orange Free State, 918; Portugal, 703; Russia, 738; San Salvador, 748; Sardinia, 760; Swiss Confederation, 829, 830; Two Sicilies, 866.

such tax or dues to be the same as imposed upon the most favored nation—Hawaiian Islands, 471.

there shall be no duties of detraction—Bavaria, 51; France, 248; Guatemala, 439; Hanover, 449, 455; Hanseatic Republics, 463; Hawaiian Islands, 470; Saxony, 762; Spain, 779; Prussia, 728.

REAL ESTATE—Continued.

the property of absent heirs is to receive the same care as if it were the property of citizens—Austria, 35; Bavaria, 52; Hesse, 487; Nassau, 606; Saxony, 763; Two Sicilies, 866; Württemberg, 899.

all disputes relating to such real estate must be settled before the courts of the country—Bavaria, 52; Hesse, 487; Nassau, 606; Orange Free State, 919; Saxony, 763; Swiss Confederation, 830; Two Sicilies, 866; Württemberg, 899.

RECAPTURES. [See "*Captures*."]]

RECIPROCAL COMMERCIAL AGREEMENTS :

respecting trade between the United States and British America—Great Britain, 319, (obsolete).

all favors in navigation or commerce which have been or shall be granted by one party to any other nation, shall immediately be common to the other party, if granted for compensation, on yielding the same compensation—Argentine Confederation, 26; Belgium, 65; Costa Rica, 198; Bolivia, as to exports, imports, and tonnage dues, 82; Hawaiian Islands, 468; Hayti, 475; Honduras, 491; Liberia, 530; Mexico, 545; Muscat, 603; Nicaragua, 628; Paraguay, 656; Brazil, 94; Italy, 510.

the same provisions as to favors granted subsequent to the date of the respective treaties—Algiers, 19; Austria, 33; Bolivia, 80 [see "*Favored-nation clause*"]; Columbia, (New Granada), 178; Denmark, 206; Ecuador, 228, [see "*Favored nation*"]; France [see "*Favored nation*"], 245; (obsolete as to Louisiana), 277; Guatemala, 436; Hanover, 452; Hanseatic Republics, 464; Hawaiian Islands, 468; Mecklenburg-Schwerin, 537; Oldenburg, 641; Orange Free State, 919; Portugal, 703; Prussia, 726; Russia, 738; San Salvador, 745; Sardinia, 757; Sweden, 800 [see "*Sweden and Norway*"]; Tripoli, 838, 842; Two Sicilies, 868.

the coasting trade of each party is exempted from the operation of reciprocal agreements—Austria, 33; Bolivia, 81; Brazil, 95; Colombia (New Granada), 178; Costa Rica, 198; Denmark, 206; Dominican Republic, 219; Greece, 431; Guatemala, 437; Hanover, 448, 451; Hawaiian Islands, 469; Hayti, 478; Honduras, 491; Italy, 505; Mecklenburg-Schwerin, 536; Oldenburg, 641; Mexico, 545; Netherlands 620; Nicaragua, 628; Prussia, 726; Portugal, 701; Russia, 737; San Salvador, 746; Sardinia, 757; Two Sicilies, 868; Sweden and Norway, 817, except that with Belgium it is placed on the most favored nations footing, 63; and as to Great Britain there is a concession as to Canadian trade, where the carriage is partly by land-transit, 424.

the fisheries are exempted from the operation of reciprocal agreements.—Belgium, 64; Netherlands, 621; Two Sicilies, 868.

there shall be reciprocal freedom of commerce—Argentine Confederation, 26; Austria, 31; Belgium, 63; Bolivia, 81; Borneo, 92; Colombia (New Granada), 178; Costa Rica, 197; Denmark, 206; Dominican Republic, 218; Ecuador, 228; Great Britain, 324, 326 (obsolete), 344; Greece, 430; Guatemala, 436; Hanover, 446, 451; Hawaiian Islands, 468; Hayti, 476; Honduras, 490; Italy, 504; Liberia, 529; Mecklenburg-Schwerin, 535; Oldenburg, 641; Nicaragua, 627; Portugal, 699; Prussia, 724; Russia, 735; San Salvador, 745; Sardinia, 755; Two Sicilies, 866.

each party shall have free access to all the ports of the other which are open to foreign commerce—Argentine Confederation, 26; Austria, 31; Bolivia, 81; Colombia, (New Granada), 178; Costa Rica, 197; Denmark, 206; Ecuador, 228; Great Britain, 327 (obsolete), 344; Greece, 430; Guatemala, 436; Hanover, 446; Honduras, 490; Italy, 504; Mecklenburg-Schwerin, 535; Oldenburg, 641; Mexico, 545; Muscat, 602; Nicaragua, 627; Paraguay, 656; Portugal, 699; Prussia, 724; Russia, 735; San Salvador, 745; Sardinia, 755; Sweden and Norway, 815; Two Sicilies, 866.

whatever may be imported or exported in national vessels, may be imported or exported in vessels of the other party—Austria, 32; Bolivia, 82; Brazil, 95; Colombia (New Granada), 178; Denmark, 207; Dominican Republic, 219; Ecuador, 229; Greece, 431; Guatemala, 437; Hanover, 451; Hanseatic Republics, 461; Hayti, 477; Italy, 505; Mecklenburg-Schwerin, 535; Oldenburg, 641; Ottoman Porte, 648; Portugal, 700; Prussia, 724; Russia, 736; San Salvador, 746; Sardinia, 755; Sweden and Norway, 816.

articles the growth, produce, or manufacture of one party imported in its own vessels into the ports of the other party, are subject to the same duties as if imported in the vessels of the other party—Costa Rica, 199; Great Britain, as to British territories in Europe, 345; Hanover, as to articles the growth, produce, &c., of the Germanic Confederation, and on the other side the growth, produce, &c., of the United States, the continent of America, and the West India Islands, 447; Mecklenburg-Schwerin (same as Hanover), 535; Oldenburg (the same as Hanover), 641; Hawaiian Islands, 469; Honduras, 491; Nicaragua, 629; Mexico, 545; Portugal, 700; Prussia, 725; Sardinia, 756; San Salvador, 746.

RECIPROCAL COMMERCIAL AGREEMENTS—Continued.

articles the growth, produce, or manufacture of one party, exported to the territories of the other, are to pay the same export duties, and to be allowed the same drawbacks and bounties, whether exported in national vessels, or in vessels of the other party—Costa Rica, 199; Great Britain, as to the British territories in Europe, 345; Hanover, as last above, 448; Mecklenburg-Schwerin, as above, 536; Oldenburg, as above, 641; Hawaiian Islands, 469; Honduras, 492; Mexico, 546; Nicaragua, 629; Portugal, 701; Prussia, 725; Sardinia, 756; San Salvador, 746.

articles the growth, produce, or manufacture of the one party, imported into the territories of the other, are to be subject to no other or higher duties than those imposed on like articles of any other foreign country.—Austria, 32; Argentine Confederation, 27; Bolivia, 82; Colombia (New Granada), 179; Costa Rica, 198; Denmark, 207; Dominican Republic, 220; Ecuador, 229; Great Britain, 327 (obsolete); as to the British possessions in Europe, 345; Guatemala, 437; Hanover, 447; Mecklenburg-Schwerin, 537; Oldenburg, 641; Hanseatic Republics, 462; Hawaiian Islands, 468; Hayti, 478; Honduras, 491; Liberia, 530; Mexico, 545; Nicaragua, 628; Orange Free State, 919; Ottoman Porte, 647; Paraguay, 656; Portugal, 700; Prussia, 725; Russia, 736; San Salvador, 746; Sardinia, 756; Swiss Confederation, 831; Two Sicilies, 868.

no higher duty or charge shall be imposed by one party on exports to the other than is imposed on exports of like articles to any other foreign country—Argentine Confederation, 27; Bolivia, 82; Colombia (New Granada), 179; Costa Rica, 198; Denmark, 207; Dominican Republic, 220; Guatemala, 437; Ecuador, 229; Great Britain, 345; Hanover, 448; Mecklenburg-Schwerin, 537; Oldenburg, 641; Hanseatic Republics, 462; Hayti, 478; Honduras, 491; Italy, 505; Mexico, 546; Nicaragua, 628; Orange Free State, 919; Ottoman Porte, 646; Portugal, 700; Prussia, 725; Russia, 736; San Salvador, 746; Swiss Confederation, 831; Two Sicilies, 868.

than is imposed on like exports in national vessels—Belgium, 64; Ecuador, 229; Greece, 431; Great Britain, as to British possessions in Europe, 345; Guatemala, 437; Hanseatic Republics, 462; Nicaragua, 629; Two Sicilies, 867; Sweden and Norway, 816.

prohibition of exports or imports of articles the growth, produce, or manufacture of one party in the territories of the other party, shall extend to like articles of all other nations—Austria, 32; Argentine Confederation, 27; Bolivia, 82; Brazil, 95; Colombia (New Granada), 179; Costa Rica, 198; Denmark, 207; Dominican Republic, 220; Ecuador, 230; Great Britain, 327 (obsolete); as to the British possessions in Europe, 345; Greece, 432; Guatemala, 437; Hanover, 448; Mecklenburg-Schwerin, 537; Oldenburg, 641; Hanseatic Republics, 462; Hayti, 478; Honduras, 491; Italy, 505; Mexico, 546; Nicaragua, 628; Ottoman Porte, 647; Paraguay, 656; Portugal, 700; Prussia, 725; Russia, 737; San Salvador, 746; Sardinia, 757; Sweden and Norway, 817; Two Sicilies, 868.

merchandise in vessels of one party is not to be prohibited in the ports of the other party—Liberia, 530.

preferences in government purchases shall not be given to articles imported in national vessels—Austria, 33; Greece, 432; Hanover, 448, 451; Hanseatic Republics, 462; Mecklenburg-Schwerin, 536; Oldenburg, 641; Prussia, 726; Sardinia, 757; Sweden and Norway, 817; Two Sicilies, 867.

the most favored nation principle is to be applied to merchandise imported or exported by citizens of either power in the territories of the other—Persia, 661; Brazil, 95; Swiss Confederation, 831.

the produce of one country may be exported in vessels of the other on as favorable terms as in vessels of any foreign country—Liberia, 530.

if either party imposes discriminating duties upon the produce of a third power, the other party may determine the origin of its products destined for the ports of the party imposing the duty—Hayti, 478; Swiss Confederation, 831; Dominican Republic, 220.

vessels of either party entering a port of the other and not wishing to unload may depart without doing so.—Belgium, 64; Greece, 432; Sweden and Norway, 818; Netherlands, 613 (obsolete), 631; are to be treated according to general rules relative to the object, France, 252 (obsolete); Sweden and Norway, 818.

vessels of one party may discharge part of their cargo in a port of the other, paying duties only on the portion discharged—Belgium, 64; Bolivia, 81; Dominican Republic, 219; Greece, 433; Sweden and Norway, 818; Two Sicilies, 868; of each party in the ports of the other are placed in this respect on the footing of the most favored nation—Sardinia, 757.

such vessels may proceed with the remainder of the cargo to another port of the same country—Bolivia, 81; Dominican Republic, 219; Netherlands, 621; Greece, 433; Italy, 505; Sweden and Norway, 818; Two Sicilies, 868: but must pay the duties on the vessels themselves in the first port—Greece, 433; Sweden and Norway, 818.

such vessels may also load at different ports for the same outward voyage—Bolivia, 81.

after vessels of one party are laden in the ports of the other they are not to be subjected to examination—France, 253 (obsolete); Prussia, 708, 717 (obsolete); Sweden, 808.

RECIPROCAL COMMERCIAL AGREEMENTS—Continued.

after the necessary legislation, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil) being the produce of the fisheries of the United States, or of Canada, or of Prince Edward Island, shall be admitted into each country free of duty—Great Britain, 421: same provisions to be extended to Newfoundland after necessary legislation, 425. Protocol relative to same, (appendix) 914.

export duties are not to be imposed upon certain goods carried in transit across the United States or Canada—Great Britain, 425.

exports in vessels of either party are to be subject only to the duties and formalities at the port of shipment—Belgium, 64.

duties or charges on imports are to be the same, whether made in vessels of one party or of the other—Austria, 32; Belgium, 63; Bolivia, 82; Denmark, 207; Dominican Republic, 219; Greece, 431; Guatemala, 437; Hanseatic Republics, 461; Italy, 505; Liberia, 529; Mexico, 546; Netherlands, 618, 620 (as to colonies); Ottoman Porte, 648; Paraguay, 656; Portugal, 700; Prussia, 724; Russia, 736; San Salvador, 746; Sardinia, 756; Sweden and Norway, 816; Two Sicilies, 867.

such duties or charges are to be no other or higher than are imposed upon articles imported in vessels of the most favored nation—Hawaiian Islands, 469; Hayti, 477; Russia, 735.

duties and charges on vessels of each party in the ports of the other are to be the same as on national vessels—Belgium, 63; Bolivia, 82; Denmark, 207; Dominican Republic, 219; Guatemala, 437; Hanover, 447, 451; Mecklenburg-Schwerin, 536; Oldenburg, 641; Hanseatic Republics, 461; Italy, 505; Liberia, 529; Mexico, 546; Netherlands, 618; Ottoman Porte, 649; Paraguay, 656; Portugal, 699; Prussia, 724; San Salvador, 746; Sardinia, 755; Sweden and Norway, 816; Two Sicilies, 867.

such duties and charges shall be the same as those of the most favored nation—France, 245 (obsolete); Hayti, 477; Belgium, 63; Bolivia, 82; Greece, 432.

no duties shall be imposed by either party on the navigation of the other higher or other than those imposed on every other navigation—Greece, 432.

vessels of each party in the ports of the other party are to be on the same footing as national vessels with respect to dues, charges, or allowances, in the following cases:

Anchorage.—Belgium, 63; Two Sicilies, 867.

Average.—Argentine Confederation, 27.

Brokerage.—Belgium, 63.

Buoys.—Belgium, 63.

Clearance.—Belgium, 63.

Drawbacks and bounties.—Argentine Confederation, 27; Austria, 33; Belgium, 64; Bolivia, 82; Brazil, 95; Colombia (New Granada), 179; Costa Rica, 199; Denmark, 207; Dominican Republic, 219; Ecuador, 229; Great Britain, 345; Greece, 432; Guatemala, 437; Hanover, 451; Hanseatic Republics, 462; Hawaiian Islands, 469; Hayti, 478; Honduras, 492; Italy, 505; Mecklenburg-Schwerin, 536; Mexico, 546; Netherlands, 618, 620, as to colonies; Ottoman Porte, 648; Portugal, 700; San Salvador, 746; Two Sicilies, 867.

Harbor.—Argentine Confederation, 27; Costa Rica, 198; Hawaiian Islands, 469; Honduras, 491; Mexico, 546; Netherlands, 618, 620; Nicaragua, 628; Ottoman Porte, 649; Paraguay, 656.

Light-house.—Argentine Confederation, 27; Austria, 31; Belgium, 63; Costa Rica, 198; Greece, 431; Hawaiian Islands, 469; Honduras, 491; Mexico, 546; Netherlands, 618, 620; Nicaragua, 628; Ottoman Porte, 649; Paraguay, 656; Portugal, 700; Prussia, 724; Sardinia, 755; Sweden and Norway, 816; Two Sicilies, 867.

Local charges.—Argentine Confederation, 27; Austria, 31; Belgium, 63; Costa Rica, 198; Greece, 431; Honduras, 491; Mexico, 546; Nicaragua, 628; Ottoman Porte, 649; Paraguay, 656; Portugal, 700; Prussia, 724; Sardinia, 755; Sweden and Norway, 816; Two Sicilies, 867.

Pilotage.—Argentine Confederation, 27; Austria, 31; Belgium, 63; Costa Rica, 198; Greece, 431; Hawaiian Islands, 469; Honduras, 491; Mexico, 546; Netherlands, 618, 620; Nicaragua, 628; Ottoman Porte, 649; Paraguay, 656; Portugal, 700; Prussia, 724; Sweden and Norway, 816; Two Sicilies, 867; Sardinia, 755.

Port-dues.—Austria, 31; Bolivia, 81; Dominican Republic, 219; Greece, 431; Netherlands, 618, 620; Portugal, 700; Prussia, 724; Sardinia, 755; Sweden and Norway, 816; Two Sicilies, 867.

Quarantine.—Hawaiian Islands, 469; Netherlands, 618, 620; Ottoman Porte, 649; Two Sicilies, 867.

Salvage.—Argentine Confederation, 27; Costa Rica, 198; Germany, 307; Greece, 434; Hanover, 449, 452; Honduras, 491; Mecklenburg-Schwerin, 536; Oldenburg, 641; Mexico, 546; Netherlands, 618, 620; Nicaragua, 628; Paraguay, 656; Prussia, 724; Sardinia, 757-8.

RECIPROCAL COMMERCIAL AGREEMENTS—Continued.

vessels of each party in the ports of the other party are to be on the same footing as national vessels with respect to dues, charges, or allowances, in the following cases—Continued.

Tonnage.—Argentine Confederation, 27; Austria, 31; Belgium, 63; Bolivia, 81; Colombia (New Granada), 178; Costa Rica, 198; Dominican Republic, 219; Ecuador, 229; Greece, 431; Guatemala, 437; Hanover, 451; Hanseatic Republics, 461; Hawaiian Islands, 469; Honduras, 491; Italy, 505; Liberia, 530; Mecklenburg-Schwerin, 535; Oldenburg, 641; Mexico, 546; Netherlands, 618, 620; Nicaragua, 628; Ottoman Porte, 649; Paraguay, 656; Portugal, 700; Prussia, 724; Russia, 735; Sardinia, 755; Sweden and Norway, 816; Two Sicilies, 867.

Warehouse.—Belgium, 64 (and to be confined to watch and storage); Ottoman Porte, 648.

Wrecks, [see title "*Wrecks*."]—Austria, 44; Argentine Confederation, 27; Belgium, 65; Bolivia, 83; Brazil, 96; Colombia, (New Granada), 180; Dominican Republic, 220; Ecuador, 231; Germany, 307; Greece, 434; Guatemala, 438; Hanover, 449, 451; Hawaiian Islands, 472; Hayti, 479; Mecklenburg-Schwerin, 536; Oldenburg, 641; Mexico, 547; Spain, 779; Sweden and Norway, 819; Two Sicilies, 869.

certain vessels are to be exempted from paying the following dues in the respective ports:

Anchorage.—Belgium, 63; Italy, 505.

Buoys.—Belgium, 63.

Clearance.—Italy, 505.

Light-house.—Belgium, 63.

Tonnage.—Belgium, 63; Italy, 505.

vessels of each party in the ports of the other are to be on the footing of the most favored nation in respect of the following dues or charges:

Light-dues.—Russia, 735.

Local charges.—Russia, 735.

Pilotage.—Russia, 735.

Port-dues.—Russia, 735.

Tonnage.—Hayti, 477; Sweden and Norway, 817.

special provisions as to quarantine—Greece, 434; Sweden and Norway, 820.

goods, the productions of the soil or industry of one country, imported in its own vessels into the other country for transit or re-exportation shall not pay a discriminating duty—France, 287.

salvage may be settled by arbitration when it cannot be agreed upon—Liberia, 530.

salvage on recaptures where one of the powers is neutral—Prussia, 720.

privileges of transit are not to discriminate against the productions of either party—Greece, 432; Sweden and Norway, 818.

how goods may pass in transit across the United States and Canada—Great Britain, 424.

no duty shall be exacted on goods and merchandise from wrecked vessels, unless destined for consumption in the country—Austria, 44; Brazil, 97; Colombia, (New Granada), 180; Ecuador, 231; Germany, 307; Hawaiian Islands, 472; Italy, 506; San Salvador, 748; Two Sicilies, 869.

no duty shall be exacted in such cases provided the goods be exported—Guatemala, 438; Hanover, 450, 452; Mecklenburg-Schwerin, 536; Oldenburg, 641; Mexico, 548.

no duty shall be exacted in such case unless exacted in like case on national vessels—Hayti, 479; Spain, 779; Dominican Republic, 220.

no duty is to be exacted in such case—Algiers, 16, (obsolete); Bolivia, 83.

the property in such case is to be restored to the owners if claimed within a year and a day—Netherlands, 612 (obsolete); Sweden and Norway, 820.

the property in such case is to be restored, if claimed—Tripoli, 838; Two Sicilies, 869; Ottoman Porte, 645.

merchant-vessels are not to be impressed as transports—Ottoman Porte, 645.

the routes of interior commerce between the two countries may be established by mutual agreement—Mexico, 553.

RECIPROCAL PRIVILEGES OF CITIZENS OF EACH NATION WITHIN THE TERRITORIES OF THE OTHER. [See "*Consuls*," "*Naturalization*," "*Personal property*," "*Real estate*," "*Tunis*"].

the citizens of each may reside in the territories of the other, remaining subject to the laws—Argentine Confederation, 26; Austria, 31; Bolivia, 81; Brazil, 95; Colombia (New Granada), 178; Costa Rica, 197; Denmark, 206; Dominican Republic, 218; Ecuador, 228; Great Britain 326, (obsolete); Greece, 430; Guatemala, 436; Hanover, 446, 454; Hawaiian Islands, 470; Hayti, 476; Honduras, 490; Italy, 504; Mecklenburg-Schwerin, 539; Oldenburg, 641; Mexico, 545; Nicaragua, 627; Portugal, 699; Prussia, 724; Russia, 735; San Salvador, 745; Sardinia, 755; Sweden and Norway, 815; Swiss Confederation, 828; Two Sicilies, 865; Liberia, 529.

the citizens of each may reside in the territories of the other—Borneo, 92.

RECIPROCAL PRIVILEGES OF CITIZENS OF EACH NATION WITHIN THE TERRITORIES OF THE OTHER—Continued.

they may hire and occupy warehouses—Dominican Republic, 218; Hayti, 476; Swiss Confederation, 829.

they may hire and occupy houses and warehouses—Argentine Confederation, 26; Bolivia, 81; Borneo, 92; Costa Rica, 197; Greece, 430; Great Britain, 327; Hanover, 446, 454; Hawaiian Islands, 470; Honduras, 490; Italy, 504; Mecklenburg-Schwerin, 539; Mexico, 545; Nicaragua, 628; Oldenburg, 641; Sweden and Norway, 815; Two Sicilies, 865.

and their dwellings shall be respected—Hawaiian Islands, 471; Bolivia, 81; Two Sicilies, 865.

they may engage in commerce and trade—Argentine Confederation, 26; Bolivia, 81; Borneo, 92; Brazil, 95; Colombia (New Granada) 179; Costa Rica, 197; Denmark, 206; Dominican Republic, 218; Ecuador, 228; Greece, 430; Guatemala, 436; Great Britain, 327; Hanover, 446, 454; Hanseatic Republics, 463; Hayti, 476; Honduras, 492; Italy, 504; Liberia, 529; Mecklenburg-Schwerin, 539; Mexico, 545; Muscat, 602; Nicaragua, 628; Oldenburg, 641; Paragnay, 657; Two Sicilies, 865; Tunis, 853.

when so trading or residing are to be subject to pay no greater taxes, duties, or charges than citizens of the most favored nation—Bolivia, 83; Borneo, 92; Costa Rica, 200; Denmark, 208; France, 245 (obsolete); Hawaiian Islands, 471; Mexico, 545; Netherlands, 608 (obsolete); Nicaragua, 630; Ottoman Porte, 643; Paraguay, 658; San Salvador, 746; Swiss Confederation, 829; Two Sicilies, 865; Tunis, 854: or contributions—Dominican Republic, 218.

and shall enjoy all the privileges of citizens of the most favored nations—Bolivia, 83; Borneo, 92; China, 167; Colombia (New Granada), 180; Guatemala, 438; Hanseatic Republics, 463; Hawaiian Islands, 471; Liberia, 529; Mexico, 545; Netherlands, 608 (obsolete); Persia, 661; San Salvador, 747; Tripoli, 838, 842; Two Sicilies, 865; Tunis, 853.

shall enjoy all the rights of natives—Argentine Confederation, 28; Bolivia, 83; Brazil, 95; Colombia (New Granada), 180; Denmark, 206; Ecuador, 229; Guatemala, 436; Hanover, 446, 454; Hanseatic Republic, 463; Hawaiian Islands, 471; Honduras, 492; Italy, 504; Ottoman Porte (as to warehousing, bounties, facilities, and drawbacks), 648; Paraguay, as to same, 657; Persia, 660; Portugal, 699; San Salvador, 748; Prussia, 724; Sardinia, 755; Two Sicilies, 865; Russia, 735: and shall be placed on the footing of natives as to expropriations in time of war—Swiss Confederation, 829: shall enjoy complete protection while they submit to the law—Argentine Confederation, 26; Costa Rica, 197; Greece, 430; Honduras, 492; Liberia, 529; Mexico, 545; Nicaragua, 628.

shall be put on the footing of reciprocal equality, except when so doing conflicts with constitutional or legal provisions of either contracting party; but this shall not extend to political rights—Orange Free State, 918.

they may exercise their profession—Swiss Confederation, 829.

they shall pay no other or higher taxes, charges, or requisitions than citizens pay—Argentine Confederation, 28; Belgium, 63; Bolivia, 81; Honduras, 492; Italy, 504; Nicaragua, 630; Orange Free State, 918; Paraguay, 657; Swiss Confederation, 829; Two Sicilies, 865.

they may manage their own affairs, and employ such brokers, agents, or factors as they choose—Argentine Confederation, 27; Brazil, 96; Dominican Republic, 218; Hanover, 446, 454; Hawaiian Islands, 471; Hayti, 476; Hanseatic Republics, 463; Italy, 504; Mexico, 546; Colombia (New Granada) 179; Morocco, 596; Netherlands, 610 (obsolete); Nicaragua, 629; Paraguay, 657; Sweden, 808 (see Sweden and Norway); Switzerland, 829; Two Sicilies, 865; Costa Rica, 199; Ecuador, 230; San Salvador, 747; Guatemala, 437; Honduras, 492; Mecklenburg-Schwerin, 539.

citizens of each in the territories of the other shall have the same access to the courts as natives, and may employ such advocates, agents, and attorneys there as they please—Argentine Confederation, 28; Brazil, 97; Costa Rica, 199; Dominican Republic, 218; Ecuador, 231; Guatemala, 439; Hanover 447, 454; Hanseatic Republics, 463; Honduras, 492; Italy, 510; Mecklenburg-Schwerin, 539; Colombia (New Granada) 181; Oldenburg, 641; Mexico, 548; Nicaragua, 629; Paraguay, 657; San Salvador, 748; Switzerland, 829; Bolivia, 84; Hayti, 476; Spain, 782; Two Sicilies, 866.

citizens of each arrested within the jurisdiction of the other for debt or for alleged offenses, are to be prosecuted by order and authority of law only, and according to the regular course of proceedings—Prussia, 720; Spain, 778.

they are to be allowed to employ such advocates, notaries, solicitors, agents, or factors as they may judge proper—Guatemala, 439; Hanseatic Republics, 463; Italy, 510; Mexico, 548; Netherlands, 609 (obsolete); San Salvador, 748; Spain, 778.

their agents are to have free access to them, and they and their agents have the right to be present at the taking of all examinations and evidence, and at the proceedings—Ecuador, 231; Guatemala, 439; Hanseatic Republics, 463-4; Italy, 510; Mexico, 548; Colombia, (New Grenada), 181; San Salvador, 748; Spain, 778; Bolivia, 84.

RECIPROCAL PRIVILEGES OF CITIZENS OF EACH NATION WITHIN THE TERRITORIES OF THE OTHER—Continued.

- vessels and effects of citizens of each in the territories of the other are to be protected and defended—Sweden, 808 (see Sweden and Norway); Tunisia, 854.
- citizens of each being within the territories of the other shall be exempt from forced military service—Argentine Confederation, 28; Costa Rica, 200; Dominican Republic, 218; France, 265 (obsolete); Hawaiian Islands, 471; Hayti, 476; Honduras, 493; Italy, 504; Mexico, 547; Nicaragua, 630; Orange Free State, 918; Paraguay, 658; Switzerland, 829; Two Sicilies, 865.
- from billeting of soldiers—Two Sicilies, 865.
- from contribution in kind or money for compensation for personal military services—Italy, 504; Two Sicilies, 865: [they shall *not* be exempt from such contribution—Orange Free State, 918; Swiss Confederation, 829.]
- from forced loans—Argentine Confederation, 28; Bolivia, 81; Costa Rica, 200; Dominican Republic, 218; Hawaiian Islands, 471; Honduras, 493; Nicaragua, 630; Paraguay, 658; Two Sicilies, 865.
- from military exactions—Argentine Confederation, 28; Costa Rica, 200; Dominican Republic, 218; Hayti, 476; Honduras, 493; Nicaragua, 630; Paraguay, 658.
- from contributions—Bolivia, 81; Nicaragua, 630.
- form contributions in time of war, in which case property is not to be taken without compensation paid in advance—Nicaragua, 630; without compensation on the same footing as natives—Orange Free State, 918.
- from extraordinary contributions not general and established by law—Hawaiian Islands, 471; Two Sicilies, 865.
- from contributions higher than those paid by natives—Costa Rica, 200; Dominican Republic, 218; Hayti, 476; Honduras, 493; Mexico, 547; Orange Free State, 918; Paraguay, 658.
- from judicial or municipal office—Italy, 504.
- the citizens of each shall not be liable to the embargo or detention of their vessels, cargoes, merchandise, or effects—Bolivia, 81; Brazil, 96; Colombia (New Granada), 180; Ecuador, 230; Guatemala, 438; Italy, 504; Mexico, 547; Netherlands, 609 (obsolete); San Salvador, 747; Spain, 778; Sweden, 804; Tunisia, 853: without compensation—Bolivia, 81; Brazil, 96; Colombia, 180; Ecuador, 230; Guatemala, 438; Italy, 504; Mexico, 547; San Salvador, 747: to be paid in advance—Bolivia, 81: when it can be agreed upon—Italy, 504.
- their vessels are to be subjected to such embargo only in cases of urgent necessity, and an equitable indemnity shall be paid—Prussia, 720.
- their books and papers are not to be subjected to inspection without the order of a competent legal tribunal—Bolivia, 81; Hawaiian Islands, 471; Hayti, 477; Two Sicilies, 865.
- the citizens of each country are to have a right to travel in the possessions of the other—Bolivia, 81; Hawaiian Islands, 470; Italy, 504; Nicaragua, 630; Two Sicilies, 865.
- citizens of each residing in the territories of the other may intermarry with natives—Nicaragua, 630.
- may enjoy freedom of religious belief, respecting at the same time the laws and usages of the country—Brazil, 97; Bolivia, 81; China, 166; Ecuador, 231; Guatemala, 439; Hawaiian Islands, 472; Hayti, 477; Netherlands, 608 (obsolete); Colombia (New Granada), 181; Paraguay, 659; Argentine Confederation, 29.
- and also of religious worship, on conditions as named in the respective treaties—(as to consuls and agents), Algiers, 16 (obsolete); Argentine Confederation, 29; Colombia (New Granada), 181; Costa Rica, 201; Dominican Republic, 218; Honduras, 494; Mexico, 548; Nicaragua, 631; Paraguay, 659; San Salvador, 748; Sweden, 800 (see Sweden and Norway).
- they are to have the liberty of burial—Argentine Confederation, 29; Brazil, 97; Bolivia, 85; Colombia (New Granada), 181; Costa Rica, 201; Dominican Republic, 218; Ecuador, 231; Guatemala, 439; Hayti, 477; Honduras, 494; Netherlands, 608 (obsolete); Nicaragua, 632; Mexico, 548; Paraguay, 659; San Salvador, 748; Sweden, 800 (see Sweden and Norway).
- on the breaking out of a war between the two countries, the citizens of each in the country of the other may remain and continue to trade so long as they behave peaceably—Argentine Confederation, 29; Paraguay, 658; Great Britain, 331 (obsolete).
- all may remain whose occupations are for the common benefit of mankind—Italy, 509; Prussia, 722.
- six months are granted to merchants and citizens to arrange their business and withdraw their effects—France, 250 (obsolete); Dominican Republic, 217; Hayti, 476; Two Sicilies, 864.

RECIPROCAL PRIVILEGES OF CITIZENS OF EACH NATION WITHIN THE TERRITORIES OF THE OTHER—Continued.

six months allowed to those on the coast, and twelve months to those in the interior—Bolivia, 88; Brazil, 101; Costa Rica, 200; Ecuador, 235; Guatemala, 442; Honduras, 493; Italy, 509; Mexico, 552; Nicaragua, 631; Colombia (New Granada), 185; San Salvador, 752.

nine months granted—Morocco, 597; Netherlands, 612 (obsolete); Prussia, 722; Sweden, 806.

one year granted—Tunis, 851; Spain, 779; and indemnity is to be made for any injury done during that time, 780.

such time as they may require—Paraguay, 659.

during this time they are to be unmolested if they conduct themselves properly—Brazil, 101; Costa Rica, 200; Ecuador, 235; Guatemala, 443.

their effects are not liable to confiscation—Argentine Confederation, 29; Bolivia, 89; Brazil, 101; Costa Rica, 201; Ecuador, 235; Honduras, 493; Guatemala, 443; Hayti, 476; Mexico, 552; Nicaragua, 631; Colombia (New Granada), 185; Paraguay, 658; Great Britain, 324; Spain, 778; Sweden, 806 (see Sweden and Norway); Two Sicilies, 864: or to demands other than those made upon the property of natives—Argentine Confederation, 29; Costa Rica, 201.

passports are allowed them which are to protect them and their property—Dominican Republic, 217; Brazil, 101; Costa Rica, 200; Hayti, 476; San Salvador, 752; Two Sicilies, 864; Paraguay, 659; Bolivia, 88; Sweden, 806.

all but merchants can remain, even after the expiration of the time named, protected in person and property unless they forfeit the right by their conduct—Mexico, 552; San Salvador, 752; Colombia (New Granada), 185; Bolivia, 88.

all can remain and be protected who behave peaceably and commit no offense against the laws—Honduras, 493; Nicaragua, 631.

RECIPROCITY. [See "*Favored-nation clause*," "*Consuls*," "*Extradition*," "*Neutrals*," "*Naturalization*," "*Real estate*," "*Personal property*," "*Reciprocal commercial agreements*," "*Reciprocal privileges of citizens*," "*Vessels*," "*War*."] with Canada, 383.

RE-EXPORTATION. [See "*Reciprocal commercial agreements*."]]

RELIGIOUS BELIEF, FREEDOM OF. [See "*Reciprocal privileges of citizens*," &c.]]

citizens of United States in China shall enjoy, 154, 166; Chinese converts to Christianity shall enjoy, 154; Americans in Japan shall enjoy, 519; American citizens visiting or residing in Siam shall be allowed, 769; shall not interfere with the harmony between the United States and Tripoli, 838, 842.

REPRISALS:

are not to be made for infractions of a treaty until a statement of injuries shall have been made, and redress refused or unreasonably delayed—Bolivia, 90; Brazil, 103; Colombia (New Granada), 188; Ecuador, 237; Great Britain, 330 (obsolete); Guatemala, 445; Mexico, 555; Portugal, 704; San Salvador, 754.

RETRAITE, DROIT DE. [See "*Personal property*," "*Real estate*."]]

abolished by treaty—Bavaria, 51; Hesse, 486; Nassau, 605; Saxony, 762; Württemberg, 898.

ROBBERY. [See "*Extradition*."]]

RUPTURE:

definition of—Great Britain, 331.

RUSSIA. [See *Synoptical Index*.]

S.

SALT:

provisions concerning, in treaties with—Belgium, 64, 67.

SALVAGE. [See "*Consul*," "*Reciprocal commercial agreements*."]]

SANDWICH ISLANDS. [See "*Hawaiian Islands*," "*Steam-vessels*."]]

SAN SALVADOR. [See *Synoptical Index*.]

SARDINIA. [See notes, title "*Abrogated, suspended, or obsolete treaties*," *Synoptical Index*.]

SAXONY. [See *Synoptical Index*.]

SCHIEDT-DUES.

arrangements for the capitalization of, 67; treaty for the extinguishment of, 68.

SCHAUMBURG-LIPPE. Accession to extradition convention, (appendix) 920. [See *Synoptical Index*.]

SEA-LETTERS. Form of, France, (appendix) 910. [See "*Vessels*."]]

SEAMEN. [See "*Consuls*."]]

SEARCH. [See "*Vessels*."]]

SHIP CANAL. [See "*Interoceanic communications*."]]

SHIPS OF WAR:

of each in the ports of the other to receive the treatment of those of the most favored nations—Italy, 504.

SHIPS OF WAR—Continued.

- of the United States in Algiers, to receive provisions and refreshments gratis—Algiers, 11 (obsolete); of each (and also post-office and passenger-packets of each) may, within the jurisdiction of the other power, enter all the harbors, rivers, and places to which other foreign ships of war and packets may come, and may anchor and remain and repair there, subject to the laws of the country—Argentine Confederation, 26; Costa Rica, 197; Honduras, 490; Great Britain, 330 (obsolete); Nicaragua, 628.
- of each may enter into the ports of the other—Borneo, 93; Morocco, 595.
- are not to be examined on any pretense whatever—Morocco, 595.
- are not to be sold to enemies of the United States—Algiers, 10 (obsolete).
- of the United States are to be afforded facilities of intercourse in Chinese waters—147.
- of the United States may anchor at Paknam, but shall not go above in the river without the consent of the Siamese authorities—Siam, 769.
- of the United States are to be entitled to a salute of twenty-one guns, and are to return the same number—Tripoli, 842; Tunis, 852.
- of the United States in Algiers are to receive the salutes given to vessels of most favored nations, and return gun for gun—Algiers, 21 (obsolete).
- of either party saluting a fort of the other are entitled to a salute of an equal number of guns—Morocco, 595.
- commanders of vessels of war of each party shall be forbidden to do any injury or damage to those of the other party: if they do they are to be personally liable for it—France, 249; Netherlands, 611 (obsolete); Great Britain, 329 (obsolete). Italy, 509; Sweden, 803.
- of the United States are to render friendly aid to Japanese vessels—Japan, 517.
- of the United States and Turkey shall observe toward each other demonstrations of friendship and good intelligence, according to naval usage—Ottoman Porte, 644.
- of each party are to protect the vessels of the other party—Prussia, 722.
- of each party in the ports of the other party are not liable to pay duties or charges on their prizes—Prussia, 721; Hayti, 482.
- of an enemy of one power entering the neutral port of the other power with prizes are not to receive shelter—France, 249 (obsolete); Great Britain, 331 (obsolete.)
- arrangements respecting the force to be maintained on the American lakes—Great Britain, 348.
- may recruit men each in ports of the other—Netherlands, 615 (obsolete).
- SHIPWRECKS. [See "*Consuls*," "*Reciprocal commercial agreements*," "*Wrecks*."] SIAM. [See "*Ships of war*," *Synoptical Index*.]
- SICILIES, TWO. [See notes, title "*Abrogated, suspended, or obsolete treaties*," *Synoptical Index*.]
- SLAVES:
- provisions in the treaty of Ghent for the restoration of, 338-9; further provisions concerning, in the convention with Great Britain of 1818, 351-2; treaty of 1822 respecting the same, 355-6; award of the Emperor of Russia, 360; convention with Great Britain for final adjustment, 362.
- SLAVE-TRADE: [See "*Vessels*"].
- provisions regarding abolition of, Great Britain, 343; squadrons for suppressing Great Britain, 374; further engagements respecting the same, and providing for the establishment of mixed courts, Great Britain, 388-401; abolition of the mixed courts, Great Britain, 407; instructions for vessels of both parties, Great Britain, 409; suppression of, and remonstrances concerning, Great Britain, 374.
- SOUND-DUES:
- the United States to be on the footing of the most favored nation—Denmark, 207; the dues extinguished—Denmark, 213.
- SPARTEL, CAPE. [See "*Morocco*"].
- SPAIN. [See *Synoptical Index*.]
- STEAM-VESSELS: [See "*Reciprocal commercial privileges*," "*Ships of war*"].
- of the United States carrying mails to have access to the Sandwich Islands without payment of dues—Hawaiian Islands, 469.
- SAINT CLAIR FLATS CANAL. [See "*Navigation*"].
- SAINT CLAIR RIVER. [See "*Navigation*"].
- SAINT CROIX RIVER:
- commission for determining which river is intended by the treaty of 1783—Great Britain, 321, 334, 340.
- SAINT HELENA:
- declaration relating to—Great Britain, 347 (obsolete, see 366).
- SAINT JOHN'S RIVER, NEW BRUNSWICK: [See "*Navigation*"].
- Great Britain will urge the abolition of the export duty on lumber; if not abolished, the right of transit may be suspended—Great Britain, 425.

SAINT LAWRENCE RIVER. [See "*Navigation*."]

SUCCESSION: [See "*Aubaine, Droit de*," "*Détraction, Droit de*," "*Personal property*," "*Real estate*"].

the dues are to be the same as those paid by natives—Denmark, 208; German Empire, 305.

SUITS AT LAW. [See "*Consuls*," "*Reciprocal privileges of citizens*," &c.].

SWEDEN: [See notes, title "*Abrogated, suspended, or obsolete treaties*," "*Sweden and Norway*," *Synoptical Index*].

SWEDEN AND NORWAY: [See *Synoptical Index*].

Several articles of the treaty of 1783, with Sweden, and of the separate articles revised by the treaty of 1827, 820.

commerce with Finland excepted from the operation of the treaty of 1827, 821.

SWISS CONFEDERATION: [See *Synoptical Index*].

citizens of one party returned by the act of the courts, or the police of the other are to be received, 829; passports are required to prove citizenship, 829; Swiss merchandise under the United States flag, or the flag of the most favored nation, to pay the same duties as the merchandise of such nation, 831; otherwise it is to be treated as merchandise of the country to which the vessel belongs, 831; Swiss goods wrecked on the coast of the United States are to be treated as United States goods, 831.

T.

TAXES. [See "*Reciprocal privileges of citizens*," &c.].

TERMINATION OF TREATIES. [See "*Duration of treaties*," Notes, title "*Abrogated, suspended, or obsolete treaties*"].

TEXAS. [See *Synoptical Index*].

TON:

definition of, in treaty of 1822, with France, 287.

TONNAGE-DUES: [See "*Reciprocal commercial agreements*"].

in Belgium shall cease when arrangement for capitalization of Scheldt dues is made, 66.

in China, rates fixed, 150; when to be paid, 151.

amount limited by treaty with France, 288.

TRADE. [See "*Enemy*"].

TRADE-MARKS:

Agreements for the protection of, Austria, (appendix) 906; Belgium, 79; France, 299; Germany, 307; Russia, 744; Austria, 903.

TRANSIT: [See "*Reciprocal commercial agreements*," "*Interoceanic communication*"].

when a transit duty is to be levied on goods passing through, Belgium, 65.

transit duty on tobacco in Hanover abolished, 453.

limitation of transit duty in the Ottoman Empire, 649.

transit from Genoa through the Sardinian territories, 758.

TRANSPORTS:

American merchant vessels are not to be impressed, as in the Ottoman Empire, 645.

TRAVEL, RIGHT TO. [See "*Reciprocal privileges of citizens*," &c.].

TRIBUTE:

abolished, Algiers, 14 and 19.

TRIPOLI. [See *Synoptical Index*.]

TUNIS. [See *Synoptical Index*.]

U.

URUGUAY. [See "*Navigation*"].

UTRECHT, TREATY OF:

its provisions respecting the French fisheries to be respected, 246, 247.

V.

VENEZUELA. [See notes, title "*Abrogated, suspended treaties*," *Synoptical Index*].

VESSELS. [See "*Asylum*," "*Captures*," "*Consuls*," "*Contraband of war*," "*Dardanelles*," "*Neutral vessels*," "*Reciprocal commercial agreements*," "*Reprisals*," "*Ships of war*," "*Steam-vessels*," "*War*"].

how the nationality of the vessel is to be established—Argentine Confederation, 27; Belgium, 64; Bolivia, 82; Brazil, 95; Dominican Republic, 220; Ecuador, 229; Hanover, 447, 452; Hanseatic Republics, 462; Italy, 508; Mecklenburg-Schwerin, 537; Morocco, 594; Netherlands, 619; Oldenburg, 641; Ottoman Porte, 649; Paraguay, 657; Two Sicilies, 867; Colombia, (New Granada), 188.

VESSELS—Continued.

in case one power is at war, the vessels or citizens of the other must be furnished with sea-letters or passports, and, if the vessel be laden, it must also be furnished with certificates as to the character of the cargo, and if not so furnished it may be taken before a prize court—Bolivia, 87; Brazil, 100; Colombia (New Granada), 184; Dominican Republic, 222; Ecuador, 234; France, 252 (obsolete); Guatemala, 441; Hayti, 480; Spain, 781-2; Mexico, 551; Netherlands, 614 (obsolete); Prussia (it must also be furnished with a charter-party and a list of the ship's company), 719; San Salvador, 751; Sweden, 802 (see "*Sweden and Norway*"); Tunis, 847.

these passports should be renewed every year if the vessel returns home in the year—France, 252 (obsolete); Dominican Republic, 222; Hayti, 481; Spain, 782.

they should be renewed every time the vessel returns home in the course of a year—Sweden, 802.

the death or removal of the master does not affect them—Dominican Republic, 223.

vessels of each making into a port belonging to an enemy of the other must exhibit passport and certificate—France, 248 (obsolete); Spain, 779; Hayti, 480.

regulations for the visit and examination on the high seas, during time of war, of the vessels of one power, being a neutral, by the ships of war of the other power, being a belligerent—Algiers, 9, 15, 20; Bolivia, 86; Brazil, 100; Colombia (New Granada), 183; Dominican Republic, 223; Ecuador, 234; France, 252 (obsolete); Guatemala, 441; Hayti, 481; Italy, 508; Mexico, 550; Morocco, 594; Netherlands, 615 (obsolete); Prussia, 720; San Salvador, 751; Spain, 782; Sweden, 802, 804 (see "*Sweden and Norway*"); Tripoli, 841; Tunis, 847, 852.

vessels sailing under a convoy are not subject to visits—Bolivia, 87; Brazil, 100; Colombia (New Granada), 184; Dominican Republic, 223; Ecuador, 234; Guatemala, 442; Hayti, 481; Italy, 509; Mexico, 551; Morocco, 594; Netherlands, 610 (obsolete); San Salvador, 751; Tunis, 847.

the merchant-vessels of each party suspected of being engaged in the slave-trade may, within certain limits and under certain restrictions, be visited and searched by the ships of war of the other party—Great Britain, 339, 401.

the vessels of each power are to be protected and defended when within the jurisdiction of the other—Algiers, 16, 21; France, 245 (obsolete); Netherlands, 608 (obsolete); Spain, 778; Tripoli, 842.

duties of vessels of the United States on arriving in Chinese ports as to pilots, 150; as to custom-officers, 150-151.

on arriving in Japanese ports, 521-5.

all disputes between officers of passenger steamships and the passengers shall be brought to and decided in the circuit or district courts in the United States to the exclusion of all other courts—Italy, 499.

merchant-vessels of the United States are not liable to penalties for contraband goods found on board and laden in port—Morocco, 596.

the vessels of each party are not to be molested by the other—Algiers, 9 (obsolete). vessels of either country may complete their crews within the territories or dominions of the other, provided they submit to local regulations and the enrollments are voluntary—Italy, 506; Netherlands, 615 (obsolete).

and may receive supplies—Morocco, 595; Tripoli, 842.

VISIT. [See "*Vessels*"].

VOL QUALIFIED CRIME. [See "*Extradition*"].

W.

WAGES OF SEAMEN. [See "*Consuls*"].

WAR: [See "*Blockade*," "*Captures*," "*Contraband of war*," "*Letters of marque*," "*Neutrality*," "*Neutrals*," "*Neutral vessels*," "*Piracy*," "*Privateers*," "*Prizes*," "*Prize causes*," "*Reciprocal privileges of citizens*," "*Reprisals*," "*Ships of war*," "*Vessels*,"

war is not to be declared for infractions of a treaty until a statement of injuries shall have been made, and redress refused or unreasonably delayed—Bolivia, 91; Brazil, 103; Colombia (New Granada), 188; Ecuador, 237; Guatemala, 445; Mexico, 555; Morocco, 597; Portugal, 704; San Salvador, 754; Tunis, 851; Tripoli, 838, 843; Algiers, 13, 17, 22.

private property, not contraband of war, is to be exempt from capture at sea—Italy, 506.

on the breaking out of war, the consuls and citizens of the United States may withdraw unmolested—Algiers, 12 (obsolete) 22; Tripoli, 843.

war shall be carried on only under the orders of duly commissioned persons—Colombia (New Granada), 184; San Salvador, 752.

rules applicable to the prosecution of a common war—Prussia, 721; Sweden, 804; (see "*Sweden and Norway*").

agreement for the humane treatment of prisoners of war—Prussia, 722.

prisoners of war are to be exchanged—Great Britain, 339; Morocco, 596: and are not to be made slaves—Tripoli, 843; Algiers, 17, 22.

navigation of the Parana and Uruguay in time of war—Argentine Confederation, 25.

WAREHOUSE DUES. [See "*Reciprocal commercial agreements*"].

WASHINGTON, TREATY OF.
rules respecting neutrals. [See "*Neutrals*"].

WESER:
certain tolls on, abolished—Hanover, 453.

WHALE-SHIPS OF THE UNITED STATES:
their privileges in Hawaiian ports, 469.

WRECKS: [See "*Consuls*," "*Reciprocal commercial agreements*," "*Swiss Confederation*"].
vessels, their cargoes and crews of one power, wrecked on the coast of the other, are to receive the same assistance which would be given to national vessels—Belgium, 65; Bolivia, 83; Brazil, 96; Colombia (New Granada), 180; Dominican Republic, 220; Ecuador, 231; Germany, 307; Guatemala, 438; Hanover, 449–451; Hayti, 479; Mecklenburg-Schwerin, 536; Netherlands, 619; Oldenburg, 641; Mexico, 547; Spain, 779; San Salvador, 747; Sardinia, 757.
in such case all possible aid shall be rendered—France, 250 (obsolete); Greece, 434; Liberia, 530; Tunis, 848; Netherlands, 612 (obsolete); Algiers, 10.
in such case assistance shall be rendered—Algiers, 16 (obsolete, 20); Ottoman Porte, 645; Tripoli, 842.

WURTEMBERG. [See "*Synoptical Index*"].

Y.

YUKON RIVER. [See "*Navigation*"].

II.—SYNOPTICAL INDEX.

ALGIERS.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

TREATY OF PEACE AND AMITY : *Concluded September 5, 1795; Ratification advised by Senate March 2, 1796. (8 St. at L., 133.)*

- (1) Peace established, 9: (2) Commercial intercourse regulated, 9: (3) Vessels of each nation to pass unmolested, 9: (4) How passports of vessels and ships of war shall be examined, and to whom be granted, 10: (5) No Algerine cruiser may take any person out of a vessel of the United States, 10: (6) Vessels of United States stranded to be relieved, 10: (7) Algerines not to sell vessels of war to the enemies of the United States, 10: (8) When passport is not necessary, 10: (9) When other Barbary States not to be allowed to sell prizes in Algiers, 10: (10) United States may send prizes into ports of the regency, 10: (11) How ships of war of United States shall be treated in the ports of the regency, 11: (12) How slaves shall be redeemed, and when captured persons shall be lawful prize, 11: (13) How the estates of citizens of United States dying in the regency shall be settled, 11: (14) No citizen of United States to be compelled to purchase goods or pay debts of another, 11: (15) How disputes shall be settled, 11: (16) How crimes shall be punished, 12: (17) Privileges of the consul of the United States, 12: (18) In case of war citizens of United States may embark unmolested, 12: (19) Citizens of either nation captured by the other to be set at liberty, 12: (20) Vessels of war to be saluted, 12: (21) Consul not to pay duty, 12: (22) War not to be declared in case of breach of treaty; sum to be paid to the Dey, 13.

TREATY OF PEACE AND AMITY : *Concluded June 30—July 6, 1815; Ratification advised by Senate December 21, 1815; Ratified by President December 26, 1815; Proclaimed December 26, 1815. (8 St. at L., 224.)*

- (1) Peace and friendship; favors in navigation and commerce to be common to each, 14: (2) Abolition of tribute in any form, 14: (3) American citizens to be delivered up, 14: (4) Indemnification to American citizens for detention and loss of property; sales of cotton and \$10,000 to be delivered to the American consul, 14: (5) Enemy's property to pass free in vessels of each party, 15: (6) Citizens or subjects taken on board an enemy's vessel to be liberated, 15: (7) Passports to vessels of each party and right of visit restricted; offenders to be punished for abusing the right of visit; vessels of war of United States to suffer Algerine cruisers to pass unmolested, 15: (8) What shall be a sufficient passport, 15: (9) Provisions to be furnished to vessels in need at market price, 15: (10) Assistance to be given to the crew, and protection to the property of vessels cast ashore, 16: (11) How vessels may be protected, 16: (12) Commerce on the footing of the most favored nations, 16: (13) Consul of United States not responsible for debts of citizens, &c., 16: (14) Salutes to vessels of war of the United States, 16: (15) Pretexes arising from religious opinions not to interrupt harmony, &c.; consuls may travel within the territories of each party, 16, 17: (16) How disputes may be settled, &c., 17: (17) Prisoners of war not to be made slaves, but to be exchanged within twelve months, 17: (18) Powers at war with United States not to be empowered to sell American vessels captured at Algiers, 17: (19) Consuls of United States to decide disputes between American citizens, 17, 18: (20) In cases of killing, wounding, or striking, the law of the country to prevail, &c., 18: (21) Consul of United States not to pay duties on what he imports for his house and family, 18: (22) Citizens of the United States dying within the regency of Algiers, their property to be under the direction of the consul, unless otherwise disposed of by will, 18.

TREATY OF PEACE AND AMITY : *Concluded December 22 and 23, 1816; Ratification advised by Senate February 1, 1822; Ratified by President February 11, 1822; Proclaimed February 11, 1822. (8 St. at L., 244.)*

- (1) Peace and friendship; navigation and commerce, 19: (2) Tribute, 19: (3) See articles 3 and 4 of treaty of June 30, 1815, 19: (4) Obsolete; executed, 19: (5) Enemies' property, 19: (6) Treatment of citizens or subjects of either taken on board an enemy's vessel, 19: (7) Passports to vessels and right of visit; abusing right of visit; treatment of Algerine cruisers, 20: (8) Passport, what sufficient, 20: (9) Furnishing of provisions, landing of troops, 20: (10) Wrecks, 20: (11)

192 SYNOPTICAL INDEX—ARGENTINE CONFED'N—AUSTRIA.

TREATY OF PEACE AND AMITY, 1816—Continued.

Protection of vessels of either party in ports of the other, 21: (12) Protection to merchants, seamen, immunities to consuls, favored nation claim, 21: (13) Consul not responsible for debts, 21: (14) Treatment of vessels of war of the United States, 21: (15) Religious opinions not to be a pretext for war; consuls may travel within territories of each, 21: (16) Disputes arising from violation of treaty, 22: (17) Prisoners of war, 22: (18) Treatment of prizes in case of war between United States and third power, 22: (19) Settlement of disputes, 22: (20) Case of murder or assault by citizen or subject of either against citizens or subjects of the other, 22: (21) Free entry for consul of United States, 23: (22) Disposition of effects of citizens of United States dying in Algiers; additional and explanatory article to 18th article, 23.

ARGENTINE CONFEDERATION.

TREATY FOR FREE NAVIGATION OF RIVERS PARANÁ AND URUGUAY: *Concluded July 10, 1853; Ratification advised by Senate June 13, 1854; Ratified by President July 5, 1854; Ratifications exchanged at Paraná December 20, 1854; Proclaimed April 9, 1855.* (10 St. at L., 1001.)

- (1) Free navigation of the Paraná and Uruguay conceded, 24: (2) Loading and unloading of ships, 24: (3) Beacons and marks, 24: (4) Uniform system for collection of duties and dues, 25: (5) Government and possession of the island of Martín García, 25: (6) Navigation of said rivers in time of war, 25: (7) South American Governments may accede to this treaty, 25: (8) United States to have privileges of most favored nation, 25: (9) Ratifications, 25.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION: *Concluded July 27, 1853; Ratification advised by Senate June 13, 1854; Ratified by President June 29, 1854; Ratifications exchanged at Paraná, December 20, 1854; Proclaimed April 9, 1855.* (10 St. at L., 1005.)

- (1) Perpetual amity, 26: (2) Reciprocal freedom of commerce; protection of citizens, ships, &c.; ships of war, and post-office and passenger packets, 26: (3) "Most favored nation" clause, 26: (4) No discriminating duties on account of nationality of growth or produce, 27: (5) Provisions against discriminating duties on account of nationality of vessels, 27: (6) Same subject, 27: (7) Nationality of vessels, how established, 27: (8) Privileges of citizens as to trading and doing business, 27: (9) Same subject; case of death of citizens in territory of the other, 28: (10) Provision against military service, forced loans, taxes, &c., 28: (11) Consuls, privileges, &c., of diplomatic agents and consuls, 28: (12) Treatment of citizens of either party in time of war, 29: (13) Houses, persons, and property, protection of; religious privileges; burials, 29: (14) Ratifications, 29.

AUSTRIA.

TREATY OF COMMERCE AND NAVIGATION: *Concluded August 27, 1829; Ratification advised by Senate February 10, 1830; Ratified by President February 11, 1830; Exchange of ratifications advised by Senate February 3, 1831; Ratifications exchanged at Washington February 10, 1831; Proclaimed February 10, 1831.* (8 St. at L., 398.)

- (1) Liberty of trade established, 31: (2) Tonnage duties, &c., 31: (3) Duties on imports, 32: (4) Stipulations in first three articles mutually applicable, 32: (5) "Most favored nation" clause, 32: (6) Duties, bounties, and drawbacks on exports, 32: (7) Coasting trade, 33: (8) Vessels of the parties to be equally favored in purchases, 33: (9) If future favors be granted to any nation, to be common to the parties, 33: (10) Consuls, &c., 33: (11) Individuals may remove or dispose of their property; property of persons dying; this article not to derogate from the laws of Austria to prevent emigration, 33: (12) Duration of the treaty, 34: (13) Ratifications, 34.

CONVENTION RELATIVE TO DISPOSAL OF PROPERTY, &c., EXTENDING CERTAIN STIPULATIONS OF TREATY OF AUGUST 27, 1829: *Concluded May 8, 1848; Ratification advised by Senate February 13, 1850; Ratified by President February 15, 1850; Exchange of ratifications advised by Senate February 13, 1850; Ratifications exchanged at Washington February 23, 1850; Proclaimed February 25, 1850.* (9 St. at L., 944.)

- (1) Reciprocal privileges of acquiring and inheriting property to be enjoyed, 35: (2) Real property, disposal of, 35: (3) Property of absent heirs to be taken care of, 35: (4) Consuls, &c.; cases of difference between masters of vessels and their crews; deserters, 36: (5) Duration of treaty, 36: (6) Ratification, 37.

CONVENTION FOR EXTRADITION OF CRIMINALS: *Concluded July 3, 1856; Ratification advised by Senate, with amendment, August 13, 1856; Ratified by President December 12, 1856; Ratifications exchanged at Washington December 13, 1856; Proclaimed December 15, 1856.* (11 St. at L., 691.)

CONVENTION FOR EXTRADITION OF CRIMINALS, 1856—Continued.

- (1) Provision for extradition of criminals; evidence; expenses, 33: (2) Not to apply to citizens nor retrospectively, nor to political offences, 38: (3) Criminal may be retained, 38: (4) Duration of treaty, 38: (5) Ratifications; date, 39.

AUSTRO-HUNGARIAN MONARCHY.

CONVENTION RELATIVE TO RIGHTS, &c., OF CONSULS: *Concluded July 11, 1870; Ratification advised by Senate December 9, 1870; Ratified by President December 19, 1870; Time for exchange of ratifications extended by Senate May 12, 1871; Ratifications exchanged at Washington June 26, 1871; Proclaimed June 29, 1871.* (17 St. at L., 821.)

- (1) Consuls, &c., may be appointed, and at what places; exequatur and its effect 39: (2) Rights of Consuls-General, &c., being citizens of the State which appoints them; rights of same under other circumstances, 40: (3) Testimony, how to be given, 40: (4) Consuls, &c., may hoist flag over the chief entrance of their offices, 40: (5) Consular archives inviolable, 41: (6) Event of death or absence of Consul, 41: (7) Power of Consuls to appoint Vice-Consuls, &c., 41: (8) Application of Consuls, &c., to authorities, 41: (9) Power of Consuls, &c., to receive and verify certain papers, &c., 41: (10) Powers of Consuls, &c., in respect to the vessels of their nation, and their officers and crews, 42: (11) Settlement of disputes between masters and crews, 42: (12) Deserters, arrest of, &c., 43: (13) Damages suffered by vessels at sea, 43: (14) Salvage of wrecked vessels, 43: (15) "Most favored nation" clause, 44: (16) Death of citizens of one country in the other to be made known to Consuls, 44: (17) Duration of convention, 44.

CONVENTION RELATIVE TO NATURALIZATION: *Concluded September 20, 1870; Ratification advised by Senate March 22, 1871; Ratified by President March 24, 1871; Ratifications exchanged at Vienna July 14, 1871; Proclaimed August 1, 1871.* (17 St. at L., 833.)

- (1) What constitutes naturalization, 45: (2) Offences committed before naturalization; violation of laws relative to military duty, 45: (3) Convention of 3d July, 1856, and 8th of May, 1848, for extradition of fugitives from justice and other purposes, not affected, 46: (4) Citizenship in original country, how recovered, 46: (5) Duration of convention, 46: (6) Ratifications, 46.

AUSTRO-HUNGARIAN EMPIRE.

CONVENTION RELATIVE TO TRADE-MARKS: *Concluded November 25, 1871; Ratification advised by Senate January 18, 1872; Ratified by President January 27, 1872; Ratifications exchanged at Vienna April 22, 1872; Proclaimed June 1, 1872.* (17 St. at L., 917.)

- (1) Trade-marks used in one country forbidden in the other country, 906: (2) Owners of trade-marks, &c., wishing to secure their rights, 906: (3) Arrangement to take effect and to continue, how long, 906: (4) Ratifications, 906.

BADEN.

CONVENTION FOR EXTRADITION OF CRIMINALS: *Concluded January 30, 1857; Ratification advised by Senate March 12, 1857; Ratified by President March 23, 1857; Ratifications exchanged at Berlin April 21, 1857; Proclaimed May 19, 1857.* (11 St. at L., 713.)

- (1) Persons charged with murder and certain other crimes to be delivered up, 47: But not for political offences, 47: Expense borne by party making requisition, 48: (2) Citizens or subjects of either party not to be delivered up, 48: (3) Fugitive shall first answer for any crime committed in State to which he has fled, 48: (4) Convention to continue until 1860, 48.

CONVENTION RELATIVE TO NATURALIZATION: *Concluded July 19, 1868; Ratification advised by Senate April 12, 1869; Ratified by President April 18, 1869; Ratifications exchanged at Berlin December 7, 1869; Proclaimed January 10, 1870.* (16 St. at L., 731.)

- (1) Where native citizens of one country are to be treated as citizens of the other, 49: (2) Answerable for offences committed before emigration, especially a Badener for non-fulfilment of military duty; if he has emigrated before enrolment; or while in service under the flag, or while on leave of absence, 49: Or by any other act transgressed military duty, 50: (3) Renunciation of naturalization, 50: (4) Recovery of citizenship in original country, 50: (5) Duration of convention, 50: (6) Ratification, 50.

BAVARIA.

CONVENTION FOR ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION: *Concluded January 21, 1845; Ratification advised by Senate, with amendment, March 15, 1845; Ratified by President March 18, 1845; Ratifications exchanged at Berlin November 4, 1845; Proclaimed August 15, 1846.* (9 St. at L., 826.)

CONVENTION FOR ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION, 1845--
Continued.

- (1) Droit d'aubaine and taxes on emigration, 51: (2) Heirs to real property allowed to sell the same, 51: (3) Citizens of either party allowed to dispose of their personal property by will or otherwise, 52: (4) Property of absent heirs to be taken care of, 52: (5) Disputes concerning inheritances to be settled according to local law, 52: (6) Bavarian laws against emigration not derogated by this convention, 52: (7) Ratification, 52.

CONVENTION FOR EXTRADITION OF CRIMINALS: *Concluded September 12, 1853; Ratification advised by Senate, with amendment, July 12, 1854; Ratified by President July 24, 1854; Ratifications exchanged at London November 1, 1854; Proclaimed November 18, 1854. (10 St. at L., 1022.)*

- (1) Persons accused of murder and certain other crimes to be surrendered; but upon such evidence as would be sufficient to hold in place where arrested, 53: And at expense of power making demand, 54: (2) Treaty to extend to other German States who accede, 54: (3) Parties not bound to deliver their own citizens or subjects, 54: (4) To be first held to answer for new crimes committed in country to which they have fled, 54: (5) Convention to last until January 1, 1858, and afterwards to depend on twelve months' notice, 54: (6) Ratification, 54.

TREATY RELATIVE TO NATURALIZATION AND FOR EXTRADITION OF CRIMINALS: *Concluded May 26, 1868; Ratification advised by Senate June 29, 1868; Ratified by President July 17, 1868; Ratifications exchanged at Munich September 18, 1868; Proclaimed October 8, 1868. (15 St. at L., 661.)*

- (1) When native citizens of either State to be held citizens of the other; declaration of intention not to have effect of, 55: (2) Citizens to be held answerable for crimes committed before emigration, subject to limitations fixed by law of native country, 55: (3) Convention of 1853 for extradition of criminals to remain in force, 55: (4) May renounce naturalization and resume original nationality, 55, 56: (5) Convention to continue in force ten years, afterwards twelve months' notice to be given, 56: (6) Ratification, 56.

PROTOCOL EXPLANATORY TO FOREGOING TREATY: *Concluded May 26, 1868.*

- (1) What is required to constitute a naturalized citizen, 56: (2) Not to be held liable to punishment for emigration, 57: (3) Rights as to resident aliens; meaning of permanent residence; recovery of former citizenship; to have free choice to resume former nationality, 57.

BELGIUM.

TREATY OF COMMERCE AND NAVIGATION: *Concluded November 10, 1845; Ratification advised by Senate March 26, 1846; Ratified by President March 30, 1846; Ratifications exchanged at Washington March 30, 1846; Proclaimed March 31, 1846. (8 St. at L., 606.)*

- (1) Freedom of commerce between the two countries; same duties to be paid by citizens of either, 58: (2) Belgian vessels shall pay no other or higher duties of tonnage than are paid by vessels of the United States, 58, 59: (3) Vessels of the United States to pay no higher duties in ports of Belgium than are paid by Belgian vessels, 59: (4) Restitution of Scheldt duties, 59: (5) Certain steam-vessels exempt from duties, 59: (6) Coasting trade, 59: (7) Articles from the soil or industry of Belgium to pay no higher duties when imported in Belgian vessels than if imported in vessels of the United States; reciprocal as to goods from the United States, 59: (8) Goods imported in Belgian vessels to pay no higher duty than if imported in vessels of most favored nation; reciprocal to vessels of the United States, 60: (9) Exportation by Belgian or United States vessels, 60: (10) Premiums, drawbacks, &c., allowed upon goods imported directly from one of the two countries, 60: (11) Provisions of article 10 not to apply to salt, 60: (12) Passport or sea-letter to be proof of nationality, 60: (13) Parts of the cargoes of vessels may remain on board without charge, 60: (14) Imported goods deposited in warehouses to pay no warehouse charges other than those imported in vessels under the flag of the country, 60, 61: (15) Privileges granted to any other State to become common to citizens of both States; duties to be the same as those levied on goods of any other foreign country, 61: (16) Assistance in case of shipwreck, 61: (17) Consuls and vice-consuls, deserters, and certain seamen exempt from these provisions, 61: (18) No transit duties chargeable on goods from the United States, 61, 62: (19) Treaty to remain in force ten years and until twelve months after notice, 62: (20) Ratification, 62.

TREATY OF COMMERCE AND NAVIGATION: *Concluded July 17, 1858; Ratification advised by Senate March 8, 1859; Ratified by President April 13, 1859; Ratifications exchanged at Washington April 16, 1859; Proclaimed April 19, 1859. (12 St. at L., 1043.)*

- (1) Commerce and navigation free to both countries; favors to be common to both, 63: (2) Belgian vessels to pay no higher duties in the ports of the United States than United States vessels, 63: (3) Privileges of above article to be reciprocal

TREATY OF COMMERCE AND NAVIGATION, 1858—Continued.

towards vessels of the United States, 63: (4) Certain steam-vessels to be exempt from duties in both countries, 63: (5) Privilege of most favored nation as to coasting trade, 63: (6) Duties on same; imports to be the same if imported under either flag, 64: (7) Same reciprocity as to export duties, 64: (8) No discriminations as to premiums and drawbacks, 64: (9) Provisions of article 8 not to apply to salt or fish, 64: (10) Passport or sea-letter to determine vessels' nationality, 64: (11) No duties on parts of cargoes remaining on board, 64: (12) No discrimination in warehouse charges, 64: (13) "Favored nation" clause, 65: (14) Assistance in shipwreck, 65: (15) Consuls and vice-consuls; deserters, 65: (16) Exemption from transit duties on Belgian railroads, 65: (17) Treaty to continue ten years and until twelve months after notice, 66: (18) Ratification, 66.

CONVENTION RELATIVE TO IMPORT DUTIES AND CAPITALIZATION OF SCHELDT DUES: *Concluded May 20, 1863; Ratification advised by Senate February 20, 1864; Ratified by President March 5, 1864; Ratifications exchanged at Brussels June 24, 1864; Proclaimed November 18, 1864.* (13 St. at L., 647.)

- (1) Tonnage duties in Belgian ports to cease; fees for pilotage reduced, 66: (2) Flag of the United States same as Belgian flag for salt transportation, 67: (3) Regulation of import duties, 67: (4) Capitalization of Scheldt dues, 67: (5) Articles 1 and 4 perpetual, 68.

TREATY RELATIVE TO EXTINGUISHMENT OF SCHELDT DUES: *Concluded July 20, 1863; Ratification advised by Senate February 26, 1864; Ratified by President March 5, 1864; Ratifications exchanged at Brussels June 24, 1864; Proclaimed November 18, 1864.* (13 St. at L., 655.)

- (1) Extinguishment of Scheldt dues, 69: (2) Same subject, 69: (3) Tonnage, local taxes, pilotage, 69: (4) Proportion of United States, 69: (5) Execution of this treaty, 69: (6) To what article 3 applies, 70: (7) Ratification, 70: Treaty between Belgium and Netherlands annexed to this treaty, 70.

CONVENTION RELATIVE TO NATURALIZATION: *Concluded November 16, 1868; Ratification advised by Senate April 12, 1869; Ratified by President April 18, 1869; Ratifications exchanged at Brussels July 10, 1869; Proclaimed July 30, 1869.* (16 St. at L., 747.)

- (1) When native citizens of one country to be treated as citizens of the other, 73: (2) Liability for crimes committed before naturalization, 73: (3) Not liable for military service after five years' residence in adopted country, 73: Except for desertion, 73: (4) May recover original nationality according to laws of original country, 73: (5) Convention to continue ten years, and afterwards terminate on six months' notice, 73: (6) Ratification, 74.

CONVENTION RELATIVE TO RIGHTS, &C., OF CONSULS: *Concluded December 5, 1868; Ratification advised by Senate April 12, 1869; Ratified by President April 18, 1869; Ratifications exchanged at Brussels July 8, 1869; Exchange of ratifications consented to by Senate March 2, 1870; Proclaimed March 7, 1870.* (16 St. at L., 757.)

- (1) Liberty of appointing consuls, 74: (2) When consular officers are entitled to rights as such, 74: (3) Exemption from arrest, 74: (4) Consuls as witnesses; when must appear in court, 75: (5) Right to hoist flag, 75: (6) Archives inviolable, 75: (7) Acting consuls, right of, 75: (8) Vice-consuls and consular agents, rights of, 76: (9) Complaints by consuls of infraction of treaties, &c., 76: (10) Right to take depositions, 76: (11) Right as to merchant-vessels of their nations, 76: (12) Duties as to deserters from ships of their nations, 76: (13) Damages suffered at sea by vessels; how settled, 77: (14) Conduct in relation to salvage of wrecked vessels, 77: (15) Death of citizens, 77: (16) Treaty to continue ten years, and afterwards twelve months' notice, 78.

ADDITIONAL ARTICLE TO TREATY OF COMMERCE AND NAVIGATION OF JULY 17, 1858, RELATIVE TO TRADE-MARKS: *Concluded December 20, 1868; Ratification advised by Senate April 12, 1869; Ratified by President April 18, 1869; Ratifications exchanged at Brussels June 19, 1869; Proclaimed July 30, 1869.* (16 St. at L., 765.)

- (1) Prohibition against counterfeiting; where to be lodged; trade-marks that have become public property.

BOLIVIA.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION: *Concluded May 13, 1858; Ratification advised by Senate, with amendment, June 26, 1860; Amendments proposed by Constituent National Assembly of Bolivia consented to by Senate, and time for exchange of ratifications extended, February 3, 1862; Ratified by President February 17, 1862; Ratifications exchanged at La Paz November 9, 1862; Proclaimed January 8, 1863.* (12 St. at L., 1003.)

- (1) Peace and friendship, 80: (2) Rights of most favored nations, 80: (3) Reciprocal liberty of commerce and navigation, 81: Provision as to taxes, 81: Examina-

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, 1858—Continued.

tion of books and papers, 81: Coasting trade, 81: Right of unrestrained travel, 81: (4) No discrimination to be made between the vessels of the two countries relative to importations or exportations, 82: (5) What to be considered Bolivian vessels, 82: (6) Duties on imports and exports to be the same as on like articles to and from other countries, 82: (7) Treatment of citizens of one country residing in the other, 83: (8) Steam-vessels between ports of Bolivia, 83: (9) Citizens of either nation seeking refuge in ports of the other, 83: (10) Vessels wrecked or damaged, 83: (11) Captures by pirates, 84: (12) Disposal of personal property and succession thereto, 84: (13) Citizens of each nation to be protected, 84: (14) Religions freedom; rights of burial, 84: (15) Freedom of navigation, 85: (16) Free ships make free goods, 85: (17) Contraband of war, 85: (18) Property not enumerated as contraband to be free, 86: (19) Contraband articles found in vessels may be confiscated, 86: (20) Blockade, 86: (21) Examination of ships and cargoes, 86: (22) Sea-letters and passports, 87: (23) Vessels under convoy, 87: (24) Prize cases, what courts to take cognizance of, 87: (25) No letters of marque to act as privateers, 87: (26) Free navigation of Amazon and La Plata, 88: (27) Navigation of tributaries of above rivers, 88: (28) Privileges in case of war, 88: (29) Debts, &c., not to be confiscated, 89: (30) "Most favored nation" clause, 89: (31) Consuls and vice-consuls, 89: (32) Credentials and exequatur, 89: (33) Exemption of consuls, &c., 89: (34) Deserters from vessels, 90: (35) Consular convention, 90: (36) Duration of treaty, 90: Infringement of treaty by citizens, 90: Violation of any article, 90: Treaty shall not conflict with existing treaties, 91: Ratifications, how to be exchanged, 91.

BORNEO.

TREATY OF PEACE, FRIENDSHIP, AND GOOD UNDERSTANDING: *Concluded June 23, 1850; Ratification advised and time for exchange of ratifications extended by Senate June 23, 1852; Ratified by President January 31, 1853; Ratifications exchanged at Bruni July 11, 1853; Proclaimed July 12, 1854.* (10 St. at L., 909.)

- (1) Peace and friendship declared, 92: (2) Reciprocal liberty of trade, 92: (3) Safety of person and property secured, 92: (4) Imports and exports, 92: (5) Duties, 93: (6) Exports from Borneo, no duty upon, 93: (7) Ships of war, 93: (8) Wrecks, protection to property and persons, 93: (9) Trial of cases where American citizens are concerned, 93: Ratifications, 93.

BRAZIL.

TREATY OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION: *Concluded December 12, 1828; Ratification advised by Senate March 10, 1829; Ratifications exchanged at Washington March 18, 1829; Proclaimed March 18, 1829.* (8 St. at L., 390.)

- (1) Peace to be established, 94: (2) Parties on the footing of the most favored nations, the relations between Brazil and Portugal excepted, 94: (3) Free intercourse, coasting trade excepted, 95: (4) Vessels of both countries on the same footing as to the importation of foreign goods into either country; same as to exportation; what vessels to be considered Brazilian, 95: (5) Duties on imports and exports, 95: (6) All merchants and the business of merchants placed on the most favored footing, 96: (7) Citizens and subjects to be secured from detention, and to be indemnified if detained, 96: (8) Vessels in distress, 96: (9) Property captured by pirates to be restored, 96: (10) Assistance in case of shipwreck, 96: (11) Provision as to personal property; real property, 97: (12) Special protection to persons and their property, 97: (13) Liberty of conscience, 97: (14) Free ships make free goods, contraband goods excepted; free ships to make free persons, unless officers and soldiers of the enemy, 97: (15) Qualification as to the principle that free ships make free goods, 98: (16) Contraband goods, 98: (17) All other merchandise free, 99: (18) Contraband goods subject to forfeiture; if articles contraband shall be delivered up, the vessel not to be detained, 99: (19) Blockades, 99: (20) Examinations of vessels, 100: (21) Vessels to be provided with certain papers, 100: (22) Vessels under convoy, 100: (23) Prize courts to take cognizance of prizes, 100: (24) Letters of marque not to be accepted to take part in war between either of the parties hereto and other powers, 101: (25) Provisions in case of war between the parties, 101: (26) No debts, &c., to be forfeited, 101: (27) Immunities of public agents, 101: (28) Consuls, 101: (29) Exequaturs to be given to consuls, 102: (30) Privileges of consuls, 102: (31) Deserters from vessels, 102: (32) A consular convention to be established, 102: (33) The treaty to be in force for twelve years; offences of citizens not to affect the relations of the parties to this treaty; proceedings on infractions of this treaty; treaty not to operate contrary to the former treaties with other powers; ratifications to be exchanged in nine months, 103.

CONVENTION RELATIVE TO CLAIMS OF CITIZENS OF THE UNITED STATES AGAINST THE GOVERNMENT OF BRAZIL: *Concluded January 27, 1849; Ratification advised by Senate January 14, 1850; Ratified by President January 18, 1850; Ratifications exchanged at Washington January 18, 1850; Proclaimed January 19, 1850.* (9 St. at L., 971.)

- (1) 530,000 milreis to be placed at the disposition of the President of the United States to settle claims of citizens of the United States against Brazil, 104: (2) Brazil exonerated from responsibility springing out of aforesaid claims, 105: (3) Documents which throw light upon the claims to be furnished to the Government of the United States, 105: (4) When and how the sum agreed upon is to be paid, 105: (5) Same subject, 105: (6) Ratifications, 105.

BREMEN.

DECLARATION OF ACCESSION OF THE FREE HANSEATIC CITY OF BREMEN TO THE CONVENTION OF JUNE 16, 1852, WITH PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, FOR THE EXTRADITION OF CRIMINALS: *Signed September 6, 1853; Ratified by President October 14, 1853; Ratifications exchanged at Washington October 14, 1853; Proclaimed October 15, 1853.*

Declaration of accession, 908.

BRUNSWICK AND LUNEBURG.

CONVENTION RESPECTING THE DISPOSAL OF PROPERTY BY CITIZENS OF THE TWO CONTRACTING PARTIES: *Concluded August 21, 1854; Ratification advised by Senate, with amendment, March 3, 1855; Ratified by President July 10, 1855; Ratifications exchanged at Washington July 28, 1855; Proclaimed July 30, 1855.* (11 St. at L., 601.)

- (1) Right of owning and disposing of property; provision for absent heirs, 106: (2) Devisees of heirs of real estate, who as aliens cannot hold, may sell the same, 107: (3) Duration of this convention, 107.

CENTRE OF AMERICA, FEDERATION OF THE.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

GENERAL CONVENTION OF PEACE, AMITY, COMMERCE, AND NAVIGATION: *Concluded December 5, 1825; Ratification advised by Senate December 29, 1825; Ratifications exchanged at Guatemala August 2, 1826; Proclaimed October 28, 1826.* (8 St. at L., 322.)

- (1) Peace and friendship established, 108: (2) Parties agree not to grant any peculiar favor to other nations in respect to commerce, &c., 108: (3) The citizens of each may frequent all the coasts, &c., of the other, 108: (4) Further agreement with regard to the produce of each other, 109: (5) Regulation of duties, 109: (6) Further agreements as to mutual commerce, 109: (7) Citizens of neither party to be liable to any embargo, 110: (8) Protection in case of distress or shipwreck, 110: (9) Ships of either nation captured by pirates to be delivered up to the owners, 110: (10) Assistance to be given to each other in case of wreck, 110: (11) Citizens of either party may dispose of their personal goods within either of the States, 110: (12) Protection to the persons and property of the citizens of each country, 111: (13) Security of conscience to be enjoyed by the citizens of both countries, 111: (14) Citizens of both countries to sail with their ships with all manner of liberty and security, 111: (15) Neutral property found on board of enemies' vessels to be considered as enemies' property; the flag of the neutral does not protect enemies' property, 112: (16) Liberty of navigation and commerce to extend to all kinds of merchandise except certain articles contraband, 112: (17) All other merchandise not comprehended in the articles enumerated to be free, 112: (18) Articles of contraband to be subject to detention and confiscation, 113: (19) Agreements in case of blockade, 113: (20) Regulation of visits at sea, 113: (21) Course to be pursued to avoid vexation in the examination of papers, 113: (22) Further agreement as to examination of vessels, 114: (23) Prize causes, 114: (24) War, 114: (25) Agreement in case of war between the two nations as to the removal of property and citizens, &c., 114: (26) Debts not to be sequestered in case of war, 115: (27) Official intercourse, 115: (28) Consuls and vice-consuls, 115: (29) Privileges of consuls, 115: (30) Persons attached to the service of consuls, 115: (31) Power of consuls respecting deserters, 116: (32) Commerce and navigation, 116: (33) Present treaty to remain in force twelve years, &c.; infringement of the treaty; no reprisals of breach of treaty except after complaints of injuries, &c.; treaty not to be construed to operate contrary to former public treaties with other sovereigns or States; approval and ratification of the treaty, 116, 117.

CHILI.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

GENERAL CONVENTION OF PEACE, AMITY, COMMERCE, AND NAVIGATION: *Concluded May 16, 1832; Ratification advised by Senate December 19, 1832; Ratified by President April 26, 1834; Ratifications exchanged at Washington April 29, 1834; Proclaimed April 29, 1834.* (8 St. at L., 434.)

- (1) Peace and friendship established, 118: (2) Favors granted to other nations shall become common to both; exceptions, 118: (3) Commerce and navigation, coasting trade excepted, 119: (4) Merchants and others free to manage their business, 119: (5) Indemnification for embargo and detention, 119: (6) Assistance to be secured to persons in the rivers, ports, &c., from pirates and enemies, 119: (7) Vessels captured by pirates to be restored, 120: (8) Protection to vessels, &c., shipwrecked, 120: (9) Personal and real estate may be disposed of and taken by succession, &c., 120: (10) Protection to residents in either country, 120: (11) Liberty of conscience, 121: (12) Free ships make free goods, 121: (13) Neutral property in enemies' ships liable to capture, with exceptions, 121: (14) Contraband articles, 122: (15) All articles not enumerated in article 14 to be free, except to blockaded ports, 122: (16) Contraband articles not to condemn those not contraband, 122: (17) Blockade, 123: (18) Regulation of visits at sea, 123: (19) Sea-letters or passports to vessels in case of war, 123: (20) Vessels under convoy, 124: (21) Prize courts, 124: (22) No citizen of either party to enter the service of an enemy of the other, 124: (23) In case of war between the parties, six months to be allowed to persons residing on the coast, and one year to persons in the interior, to dispose of their property and remove, 124: (24) Private and public debts shall not be sequestered or confiscated in case of war, 125: (25) Public agents on the footing of those of the most favored nations, 125: (26) Consuls, 125: (27) Consuls must exhibit their commissions, 125: (28) Immunities of consuls, &c., 125: (29) Consuls may require the aid of the civil authorities to arrest deserters; deserters must be sent back within two months, 126: (30) A consular convention to be formed, 126: (31) The treaty to be in force for twelve years; individuals to be responsible for infringements; manner of proceeding in case of infringement; existing treaties not to be affected by this treaty; this treaty to be ratified in nine months, 126, 127.

ADDITIONAL AND EXPLANATORY CONVENTION TO TREATY OF PEACE, AMITY, COMMERCE, AND NAVIGATION, OF MAY 16, 1832: *Concluded September 1, 1833; Ratification advised by Senate April 24, 1834; Ratified by President April 26, 1834; Ratifications exchanged at Washington April 29, 1834; Proclaimed April 29, 1834.* (8 St. at L., 456.)

The treaty of May 16, 1832, to be carried into effect, notwithstanding the ratifications were not exchanged in the time limited, 127-28: (1) Stipulations of the second article, how to be understood, 128: (2) Understanding of tenth article, 128: (3) Slaves not comprehended in twenty-ninth article, 128: (4) Ratification, 128, 129.

CONVENTION RELATIVE TO ARBITRATION OF THE MACEDONIAN CLAIMS: *Concluded November 10, 1858; Ratification advised by Senate March 8, 1859; Ratified by President August 4, 1859; Ratifications exchanged at Santiago October 15, 1859; Proclaimed December 22, 1859.* (12 St. at L., 1083.)

Enumeration of claims to be settled, 129: Matter in dispute to be submitted to the King of Belgium, 129: Points for arbiter to decide, 130: Proof upon which the umpire is to decide, 130.

CHINA.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

TREATY OF PEACE, AMITY, AND COMMERCE: *Concluded July 3, 1844; Ratification advised by Senate January 16, 1845; Ratified by President January 17, 1845; Ratifications exchanged at Pwan Twang December 31, 1845; Proclaimed April 18, 1846.* (8 St. at L., 592.)

- (1) Peace and amity established between the United States and China, 131: (2) Citizens of the United States trading with China to pay the duties prescribed, in the tariff; fees and charges wholly abolished; modification of the tariff, how to be made; additional advantages, if hereafter granted or extended to any other nation, to be enjoyed by the United States, 131: (3) Ports which may be frequented by citizens of the United States who may reside there; vessels of the United States not to trade at any other port; penalty, 131: (4) United States may appoint consuls; protection of consuls and other officers of the United States, 132: (5) Privileges of trading at the ports named given to citizens of the United States, 132: (6) Papers of vessels of the United States to be

TREATY OF PEACE, AMITY, AND COMMERCE, 1844—Continued.

left with the consul; tonnage duties to be paid in full of all former rates and charges; no additional tonnage duties to be paid on vessels going from one port to another, 132: (7) No tonnage duties to be laid on boats belonging to citizens of the United States; duty on cargo goods, 132: (8) Citizens of United States may engage pilots, and may hire servants, 133: (9) Custom-house officers to be appointed to guard the vessels of the United States on arrival, &c., 133: (10) Proceedings of vessels of the United States on their arrival in China; penalties for discharging vessels without a permit; vessels departing within forty-eight hours not to be subject to tonnage or other duties, 133: (11) Appointment of officers to ascertain duties to be paid on goods imported. Disputes as to amount of duties, where and how settled, 134: (12) Standards of weights and measures, 134: (13) When tonnage and other duties shall be paid; duties to be paid in sycee and silver, or in foreign money at the current rate of exchange, 134: (14) Regulation for transshipment of goods from one vessel of United States to another, 134: (15) Citizens of United States may trade with any and all citizens of China; not to be subject to any new limitation, &c., 134: (16) Chinese Government not responsible for debts due by its Government; debts due by citizens of the United States to subjects of China, 135: (17) Citizens of United States residing at any of the five ports may obtain proper accommodations, &c.; at places of anchorage, &c., merchants may pass and repass in the immediate vicinity; no excursions into the country, &c.; preservation of the public peace, 135: (18) Persons may be employed to teach the languages in any part of the empire; citizens of the United States may buy any manner of books, 135: (19) Citizens of United States to be specially protected by the local authorities; riots and attacks on their houses to be prevented by military force, and rioters punished, 136: (20) Re-exportation of goods imported into China by citizens of the United States to other permitted ports; frauds on the Government of China, 136: (21) Criminal acts by subjects of China to be punished by the Chinese; citizens of the United States committing crimes to be punished by the consul according to the laws of the United States, 136: (22) If China should be at war with any foreign nation, the trade of the United States to the five ports not to be molested; transportation of goods to and from the ports of the belligerents to be allowed, &c.; proviso, 136: (23) Consuls of United States to make returns of the trade of United States with the five ports, 137: (24) Communications with the local officers of China, how to be made; communications from subjects of China, how to be made; settlement of controversies, 137: (25) Questions between citizens of United States and China, how to be regulated; between citizens of United States and others, 137: (26) Merchant-vessels of United States in the five ports to be under the jurisdiction of the officers of their Government; robbers and pirates, &c., to be arrested and punished by the Chinese government; disposition of the property recovered, 138: (27) Shipwrecks; vessels forced into any other than the five ports shall receive friendly treatment, 138: (28) Citizens or vessels of United States not to be subject to embargo, 138: (29) Mutineers and deserters to be apprehended and delivered to United States consuls; merchants, &c., of United States to be under the superintendence of the officers of their Government, 138: (30) Correspondence between the respective Governments and their officers, and between individuals and their Government, 139: (31) Transmission of communications, 139: (32) Intercourse with ships of war, 139: (33) Clandestine trade prohibited, 139: (34) At the expiration of twelve years the two Governments may treat on matters which may require alterations; the treaty, when ratified, to be faithfully observed, &c.; no individual State of the United States can appoint a minister to China; ratifications to be exchanged in eighteen months, 139-140: the tariff of duties to be levied on imported and exported merchandise at the five ports, 140-5.

TREATY OF PEACE, AMITY, AND COMMERCE: *Concluded June 18, 1858; Ratification advised by Senate December 15, 1858; Ratified by President December 21, 1858; Ratifications exchanged at Peking August 16, 1859; Exchange of ratifications consented to by Senate January 24, 1860; Proclaimed January 26, 1860. (12 St. at L., 1023.)*

- (1) Perpetual peace and friendship, 145: (2) Where original treaty to be kept, 146: (3) Publication of treaty, 146: (4) Privileges of United States minister, 146: (5) Same subject; residence, 146: (6) Same; residence at capital, 147: (7) Rules of correspondence between Chinese authorities and officers of the United States, 147: (8) Personal interviews, 147: (9) Facilities of intercourse for United States vessels in Chinese waters, 147: (10) United States consuls in, 148: (11) United States citizens in, 148: (12) Citizens of United States in open ports, 148: (13) Wrecks; pirates, 149: (14) Open ports, privileges of United States citizens in, 149: (15) Commerce at open ports; tariff of duties, 150: (16) Tonnage duties; ships' papers; beacons; light-houses, 150: (17) Pilots; servants; Americans

TREATY OF PEACE, AMITY, AND COMMERCE, 1858—Continued.

may employ natives, 150; (18) Merchant-vessels; mutineers; criminals; deserters, 150; (19) Papers of merchant-vessels; permits for discharge duties, 151: (20) Superintendent of customs; disputes, 151; (21) Re-exportation of goods-152: (22) Tonnage import duty, 152: (23) Transshipment of goods, 152: (24) Debts, collection of, 152: (25) Teachers, citizens of United States may employ Chinese, 153: (26) Conduct in case of war, 153: (27) Questions as to property; disputes, how settled, 153: (28) Communications between United States citizens and Chinese local officers, 153: (29) Religious toleration, 154: (30) Favored nation clause, 154.

CONVENTION FOR THE REGULATION OF TRADE: *Concluded November 8, 1858; Ratification advised by Senate March 1, 1859; Ratified by President March 3, 1859; See annual message of President, 1859.*

(1) Tariff of imports, 155: Schedule of rates, 156-159.

CONVENTION FOR THE ADJUSTMENT OF CLAIMS OF AMERICAN CITIZENS: *Concluded November 8, 1858; Ratification advised by Senate March 1, 1859; Ratified by President March 3, 1859; See annual message of President 1859.*

(1) Liquidation of all claims of American citizens, 164; Contracting parties, 165.

ADDITIONAL ARTICLES TO TREATY OF AMITY, COMMERCE, AND NAVIGATION, OF JUNE 18, 1858: *First concluded July 4, 1868; Ratification advised by Senate, with amendments, July 24, 1868; Senate's amendments incorporated and the articles concluded a second time July 28, 1868; Ratified by President October 19, 1868; Ratifications exchanged at Peking November 23, 1869; Proclaimed February 5, 1870. (16 St. at L., 739.)*

(1) No grant to citizens of any foreign power to give the right to attack citizens of the United States in person or property, 166: (2) Privileges in respect to trade not expressly granted by treaty to rest in discretion of Chinese government, 166: (3) Right of Chinese government to appoint consuls at United States ports, 166: (4) Religious toleration, 166: (5) Right of free emigration recognized, 167: (6) Favored nation clause, 167: (7) Right of education guaranteed free, 167: (8) Right of intervention in local affairs disclaimed; United States to furnish civil engineers as Chinese government may desire, 167.

COLOMBIA, REPUBLIC OF.

GENERAL CONVENTION OF PEACE, AMITY, NAVIGATION, AND COMMERCE: *Concluded October 3, 1824; Ratification advised by Senate March 3, 1825; Ratified by President March 7, 1825; Ratifications exchanged at Washington May 27, 1825; Proclaimed May 31, 1825. (8 St. at L., 306.)*

(1) Firm and inviolable peace, &c., to be observed, &c, 169: (2) Favors to other nations to be common to both, 169: (3) Citizens of the United States at liberty to frequent all the coasts and countries of the Republic of Colombia. Citizens of Colombia to enjoy in the United States the same privilege, 169: (4) Merchants and commanders of ships, &c., to manage their business as citizens of the most favored nations, 170: (5) Citizens of neither of the contracting parties liable to embargo, &c., 170: (6) Citizens of either party seeking refuge to be treated as friends, 170: (7) Ships or vessels of either party captured by pirates to be delivered up, 170: (8) Assistance in case of shipwreck, 171: (9) Citizens of each of the parties may dispose of their goods in the jurisdiction of the other, 171: (10) Special protection to be given to the person and property of citizens of either party, 171: (11) Security of conscience, 171: (12) Citizens of either party may sail with their ships from any ports to the places of those who are at enmity with either party, 172: (13) Neutral property found on board enemies' vessels shall be held and considered as enemies' property; exceptions, 172: (14) Liberty of navigation and commerce to extend to all kinds of merchandise, except certain contraband articles, 172: (15) All other merchandise to be held free, 173: (16) Articles of contraband found in a vessel bound to an enemy's port shall be subject to confiscation, 173: (17) Vessels sailing for a port besieged without notice may be turned away, 173: (18) Regulation of visits at sea, 173: (19) Agreement entered into to avoid vexation in the examination of papers relative to the ownership of vessels, &c., 174: (20) Vessels sailing under convoy, 174: (21) Prize courts alone to take cognizance of prize causes, 174: (22) No citizen of either contracting party shall accept a commission, &c., 175: (23) Six months allowed to merchants to remove in case of war, 175: (24) Debts of individuals in case of war not to be sequestered, 175: (25) Same favors to be granted to convoys, &c., as enjoyed by the most favored nations, 175: (26) Consuls to be admitted in all ports, 175: (27) Consuls to exhibit their commissions, 176: (28) Consuls and persons attached to their service exempt from public service, 176: (29) Consuls have power to require the assistance of the authorities for the arrest, &c., of deserters, 176: (30) A consular convention to be agreed upon, 176: (31) Points agreed upon relative to the treaty; treaty to remain in force for twelve years; harmony and good correspondence between the two nations; no reprisals in case of parties not agreeing to the treaty; treaty to be approved and ratified, and ratifications exchanged within eight months, 176.

NEW GRANADA.

GENERAL TREATY OF PEACE, AMITY, NAVIGATION, AND COMMERCE, WITH ADDITIONAL ARTICLE: *Concluded December 12, 1846; Ratification advised by Senate June 3, 1848; Ratified by President June 10, 1848; Ratification exchanged at Washington June 10, 1848; Proclaimed June 12, 1848.* (9 St. at L., 881.)

- (1) Peace and friendship established, 178: (2) Reciprocal commercial favors, 178: (3) Mutual benefits in trade and residence to be equally enjoyed, 178: Except as to the coasting trade, 178: (4) Equalization of duties on vessels and their cargoes, 178: Vessels of both nations to be on the same footing as to drawbacks, 178: (5) Importations and exportations to be on reciprocal footing, 179: No partial prohibitions to be established, 179: (6) Reciprocal application of articles 4, 5, and 6, 179: (7) Privileges of alien merchants, 179: (8) No embargo without indemnification, 180: (9) Vessels of either party seeking refuge in ports of the other to be protected, 180: (10) Vessels, &c., captured by pirates to be delivered up to the owners, 180: (11) Wrecks, assistance to be given in cases of, 180: (12) Citizens of either party may dispose of their personal goods or real estate within the jurisdiction of the other, 180: (13) Protection for persons and property, 181: (14) Liberty of conscience; burials, 181: (15) Both parties at liberty to trade with those at enmity with either, 181: Free ships to make free goods, contraband excepted, 181: (16) Neutral flag, 182: (17) Contraband, 182: (18) Articles not contraband; blockaded ports, 183: (19) Vessels delivering up contraband not to be detained, 183: (20) In case of blockade, vessels to be turned away, but not detained, &c., 183: (21) Visit of neutral vessels; examination, how to be made, 183: (22) Sea-letters, certificates of cargo, &c., in time of war, 184: (23) Visiting regulations to apply only to vessels without convoy, 184: (24) Prize causes to be tried in established courts only, 184: (25) In case of war hostilities to be only carried on by persons duly commissioned, 184: (26) Citizens of neither party to engage in the service of an enemy of the other, 185: (27) In case of war merchants allowed time to settle their business and transport effects, 185: (28) Debts exempt from confiscation, 185: (29) Favored nation clause, 185: (30) Consuls and vice-consuls; admission of, 185: (31) Consul's exequatur, 186: (32) Exemption of consuls from public service and taxes, 186: (33) Deserters, how disposed of, 186: (34) A consular convention to be formed, 186: (35) Right of transit across Isthmus of Panama, 186: Duration of treaty, 187: Alterations of treaty, 187: Infringement of treaty, 187: Reprisals not authorized, 188: Special advantages, 188: (36) Ratifications, 188: Additional article defining national ships to have the same force as if inserted in treaty, 188.

CONVENTION RELATIVE TO RIGHTS, &C., OF CONSULS: *Concluded May 4, 1850; Ratification advised by Senate September 24, 1850; Ratified by President November 14, 1850; Ratifications exchanged at Bogotá October 30, 1851; Proclaimed December 5, 1851.* (10 St. at L., 900.)

- (1) Each country may appoint consuls, &c., in the other, 189: (2) Exequatur, 189: (3) Functions of consuls, 190: (4) Employment of good offices, 192: (5) Consuls not to have diplomatic character and immunities, but are to have certain privileges, 192: (6) To be subject to the laws of the country, 192: (7) Forbidden to give passports in certain cases, 192: To see that neutrality is preserved, 193: (8) Ratifications, 193: (9) Duration of treaty, 193.

CONVENTION FOR ADJUSTMENT OF CLAIMS: *Concluded September 10, 1857; Ratification advised by Senate, with amendments, March 8, 1859; Ratified by President March 12, 1859; Time for exchange of ratifications extended by Senate May 8, 1860; Ratifications exchanged at Washington November 5, 1860; Proclaimed November 8, 1860.* (12 St. at L., 965.)

- (1) Character of claims, 193: Meeting of commissioners to whom claims are referred, 194: Arbitrator, 194: (2) Duty of commissioners as to claims, 194: (3) Certificates of sums awarded to be issued, 194: (4) Duration of commission, 195: (5) Proceedings final, 195: (6) Expenses of commission, 195: (7) Ratifications, 195.

COLOMBIA, UNITED STATES OF.

CONVENTION FOR ADJUSTMENT OF CLAIMS, ADDITIONAL TO CONVENTION WITH NEW GRANADA OF SEPTEMBER 10, 1857: *Concluded February 10, 1864; Ratification advised by Senate June 10, 1864; Ratified by President July 9, 1864; Ratifications exchanged at Washington August 19, 1865; Proclaimed August 19, 1865.* (13 St. at L., 685.)

- (1) Time for termination of existing commission extended, 196: Commissioners and umpire to be appointed anew, 196: (2) Ratifications, 196.

COSTA RICA.

TREATY OF AMITY, COMMERCE, AND NAVIGATION: *Concluded July 10, 1851; Ratification advised by Senate March 11, 1852; Ratified by President May 25, 1852; Ratifications exchanged at Washington May 26, 1852; Proclaimed May 26, 1852.* (10 St. at L., 916.)

- (1) Amity to exist, 197: (2) Reciprocal freedom of commerce, except as to coasting trade, 197: (3) "Most favored nation," clause, 198: (4) Discriminating duties, provisions against, 198: (5) Tonnage duties and local charges, no discriminations to be made on account of nationality of vessels, 198: (6) Commercial provisions, 199: Bounties and drawbacks, 199: (7) Privileges of citizens of either nation in the other, 199: (8) Same subject, 199: (9) Same subject, 200: (10) Consuls, provisions as to, 200: (11) Event of a rupture between the two nations, provisions in the, 200: (12) Liberty of conscience, burial, 201: (13) Abrogation of parts of treaty, how effected, 201: (14) Ratifications, 201.

CONVENTION FOR ADJUSTMENT OF CLAIMS: *Concluded July 2, 1860; Ratification advised by Senate January 16, 1861; Ratified by President January 21, 1861; Time for exchange of ratifications extended by Senate March 12, 1861; Ratifications exchanged at Washington, November 9, 1861; Proclaimed November 11, 1861.* (12 St. at L., 1135.)

- (1) Claims of citizens of United States to be referred to commissioners, 202: Commissioners, how appointed, 202: Certain claims not to be considered, 202: Vacancies in commission, how filled, 202: (2) Commission to meet in Washington in ninety days, 202: To name an umpire, 203: (3) Mode of procedure of commissioners, 203: Papers in regard to claims, each government to furnish, 203: Indemnity, amount of, 203: (4) Mode of payment of indemnity, 203: First instalment, when to be paid, 203: Subsequent instalments and interest, 203: Appropriation by Costa Rica to meet payments, 204: (5) Commission, when to end, 204: (6) Proceedings to be conclusive as to certain claims, 204: (7) Cases pending before umpire at close of commission, provision for, 204: (8) Pay of commissioners, 205: (9) Convention, how and when to be approved, 205: Signature, 205.

DENMARK.

GENERAL CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION: *Concluded April 26, 1826; Ratification advised by Senate May 4, 1826; Ratified by President May 6, 1826; Ratifications exchanged at Copenhagen August 10, 1826; Proclaimed October 14, 1826.* (8 St. at L., 340.)

- (1) Commerce and navigation, 206: (2) Navigation, equality, and reciprocity, 206: (3) Duties on the produce and manufactures of either country, 207: (4) Duties, 207: (5) Duties, 207: (6) Possessions of Denmark, 207: (7) Taxes, 208: (8) Consuls and vice-consuls, 208: (9) Rights and privileges of consuls, 208: (10) Regulations concerning consuls, 208: (11) Convention to be in force for ten years, 209: (12) Convention to be approved of by the President and the King of Denmark, 209: Addendum to the treaty of April 26, 1826, 209: Provision relative to the claims of the United States for indemnities not waived by the treaty, 209.

CONVENTION RELATIVE TO INDEMNITIES AND CLAIMS: *Concluded March 28, 1830; Ratification advised by Senate May 29, 1830; Ratified by President June 2, 1830; Ratifications exchanged at Washington June 5, 1830; Proclaimed June 5, 1830.* (8 St. at L., 403.)

- (1) Renunciation by Denmark of indemnity; agreement to indemnify the United States for the seizure and condemnation of their vessels, &c., 210: (2) Payment of the said indemnity, 211: (3) A board of commissioners to be appointed to ascertain the validity, &c., of the claims; proceedings of the commissioners, 211: (4) No further claims for the seizure or confiscation of their vessels shall be hereafter presented, 212: (5) The convention only applicable to the cases mentioned in it, 212: (6) Ratifications to be exchanged within six months, 212.

CONVENTION EXEMPTING AMERICAN VESSELS FROM THE SOUND AND BELT DUES FOR A STIPULATED SUM: *Concluded April 11, 1857; Ratification advised by Senate January 5, 1858; Ratified by President January 7, 1858; Ratifications exchanged at Washington January 12, 1858; Proclaimed January 13, 1858.* (11 St. at L., 719.)

- (1) Navigation of the sound and belts to be free to American vessels, 213: (2) Passages of Sound and Belts to be lighted and buoyed as heretofore, &c., 213: Danish pilots may be employed by masters of American vessels, 213: (3) United States to pay to Denmark \$393,011, 213: (4) Citizens of the United States to enjoy all privileges granted by Denmark to other nations, 214: (5) Convention of April 26, 1826, to be again in force, except Article 5, 214: (6) Convention, when to take effect, 214: (7) Ratifications, 214.

ADDITIONAL ARTICLES TO CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION, OF APRIL 26, 1826: *Concluded July 11, 1861; Ratification advised by Senate July 17, 1861; Ratified by President August 25, 1861; Ratifications exchanged at Washington September 18, 1861; Proclaimed September 20, 1861.* (13 St. at L., 605.)

- (1) Consuls-general, consuls, &c., may sit as judges and arbitrators, 215: (2) Deserters, arrest of, 215; offences against laws of country, to be punished, 216; Effect of these additional articles, 216; Ratification, &c., 216.

CONVENTION RELATIVE TO NATURALIZATION: *Concluded July 20, 1872; Ratification advised by Senate January 13, 1873; Ratified by President January 22, 1873; Ratifications exchanged at Copenhagen March 14, 1873; Proclaimed April 15, 1873.* (17 St. at L., 941.)

- (1) When citizens of the United States are to be treated as citizens of Denmark, 909: When Danish subjects are to be treated as citizens of the United States, 910: (2) Citizenship in the original country may be restored, and how, 910: (3) Naturalization, how may be renounced, 910: (4) Duration of convention, 910: (5) Ratification, 910.

DOMINICAN REPUBLIC.

GENERAL CONVENTION OF AMITY, COMMERCE, AND NAVIGATION: *Concluded February 8, 1867; Ratification advised by Senate March 20, 1867; Ratified by President July 31, 1867; Ratifications exchanged at Santo Domingo October 5, 1867; Proclaimed October 24, 1867.* (15 St. at L., 473.)

- (1) Peace and friendship, proviso in case of war; passports, 217: (2) Exemption from military service by citizens of one party resident in the other, 218: (3) Right to reside, business, employ agents, access to courts, 218: (4) Religious toleration, 218: (5) Right to dispose of personal property; disposition of real property of deceased persons, 219: (6) Tonnage duties, imports, exports, duties, and charges, 219: (7) Coasting-trade reserved to citizens; discharge of vessels, 219: (8) National character of ship, 220: (9) Reciprocity of duties, 220: (10) Discriminating duties, 220: (11) Wrecks, stranded vessels, 220: (12) Trading to and from enemy's ports, blockade, 221: (13) Contraband of war, 221: (14) What not contraband, 221: (15) Free ships, free goods, 222: (16) Merchant-ships in time of war, bound to enemy's port, must exhibit passport-certificate, 222: (17) Passport-certificate in time of war, 223: (18) Visiting vessels on high seas, 223: (19) Rules to apply only to ships sailing without convoy, 223: (20) Provision in case of capture, 223: (21) Same subject, 224: (22) Prize courts, 224: (23) No duty on prize ships, favored nation clause, 224: (24) Privateers of hostile powers, 224: (25) Further provisions as to privateers, 225: (26) Consuls, vice-consuls, residence of; deserters from ships, 225: (27) Extradition of criminals, proviso, 226: (28) Schedule of crimes, for which surrender, &c., 226: (29) Surrender, how to be made, 226: (30) No surrender for political offences, 226: (31) Convention to, continue eight years, and afterwards 12 months' notice, 227: (32) Ratification, 227.

ECUADOR.

TREATY OF PEACE, FRIENDSHIP, NAVIGATION, AND COMMERCE: *Concluded June 13, 1839; Ratification advised by Senate July 15, 1840; Ratified by President July 31, 1840; Ratifications exchanged at Quito April 9, 1842; Proclaimed September 23, 1842.* (8 St. at L., 534.)

- (1) Peace declared, 228: (2) Commercial favors granted by either to other nations to become common to the other, 228: (3) Trade and navigation to be free to each, excepting as to coastwise trade and one other exception, 228: (4) Reciprocity in trade secured, 229: (5) What shall be considered Ecuadorian vessels, 229: (6) Each party to stand on the footing of equality with the most favored nation, both in respect to duties and to prohibitions, 229: (7) Rights of citizens of one nation in the territory of the other secured, 230: (8) No embargo without indemnification, 230: (9) Vessels seeking refuge from stress of weather, &c., to be protected, &c., 230: (10) Captures by pirates to be restored, 230: (11) Assistance to be given in cases of wrecks, &c., 231: (12) Citizens of either party may dispose of their personal goods within the jurisdiction of the other; in case of real estate, alien heirs allowed three years to dispose of their property, 231: (13) Protection to persons and property, 231: (14) Liberty of conscience, and the rites of burial, secured, 231: (15) Both parties at liberty to trade with those at enmity with either, &c.; free ships to make free goods, contraband excepted; all persons on board, except those in the actual service of an enemy, to be free; flag covering the property to be applied to those powers only who acknowledge the principle, 232: (16) Enemy's property, to be protected by a neutral flag,

TREATY OF PEACE, FRIENDSHIP, NAVIGATION, AND COMMERCE, 1839—Continued.

must be shipped within six months after the declaration of war, &c., 232: (17) Contraband specified, 232: (18) Goods not contraband; definition of a blockade, 233: (19) Contraband only liable to confiscation; vessels delivering up contraband not to be detained, 233: (20) Provision for the case of a vessel sailing without notice of the blockade; vessels entering before blockade to be allowed to depart; not liable if found therein after reduction and surrender, 233: (21) During a visit at sea, armed vessels to remain out of cannon-shot; examination, how to be made, &c., 234: (22) In case of war, sea-letters, certificates of cargo, &c., to be furnished, showing to whom the property belongs, 234: (23) Visiting regulations apply only to vessels without convoy, 234: (24) Prize causes to be tried in the established courts only; decree of condemnation to specify the reasons thereof, 234: (25) Citizens of neither party to engage in the service of an enemy of the other, 235: (26) In case of war, merchants allowed time to arrange their business, and transport their effects, &c.; citizens of other occupations to be protected, 235: (27) No confiscations in case of war, 235: (28) Ministers and other public agents to enjoy the same favors as those of the most favored nation, 235: (29) Consuls and vice-consuls admitted into ports open to foreign commerce, 236: (30) Consuls to exhibit their commissions and obtain exequaturs before they shall be considered as such, 236: (31) Consuls, &c., exempt from certain taxes; their archives and papers inviolable, 236: (32) Consuls may require the assistance of the authorities in securing deserters; mode of proceeding; deserters, how to be disposed of, 236: (33) A consular convention to be formed, 237: (34) Construction to be put upon the words "most favored nation;" proviso, 237: (35) Duration of this treaty; citizens personally responsible for infringing this treaty, and the harmony of the two nations not to be affected thereby; reprisals not to be authorized, nor war declared, until justice has been demanded and refused, or unreasonably delayed; treaties with other powers not contravened by this; this treaty to be ratified, and the ratifications to be exchanged, within three years, 237.

CONVENTION FOR THE MUTUAL ADJUSTMENT OF CLAIMS: *Concluded November 25, 1862; Ratification advised by Senate January 28, 1863; Ratified by President February 13, 1863; Ratifications exchanged at Quito July 27, 1864; Proclaimed September 8, 1864.* (13 St. at L., 631.)

- (1) Claims between contracting parties to be referred to commissioners; appointment, vacancies, time of meeting, oath, umpire, 238: (2) Examination of claims, papers to be furnished, amount to be paid, decision to be final, 239: (3) Certificate of amounts awarded, payment, revenues pledged, 239: (4) End of commission, secretary, 239: (5) Proceedings conclusive as to pending claims; claims to be presented while commission exists; duty of umpire, 240: (6) Pay of commissioners, and of the umpire, 240: (7) Ratification, 240.

FRANCE.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

TREATY OF ALLIANCE: *Concluded February 6, 1778; Ratified by Congress May 4, 1778.* (8 St. at L., 6.)

- (1) If war should break out between France and Great Britain, it shall be a common cause, 241: (2) The essential and direct object of this alliance is the independence of the United States, 241: (3) Both parties to make every effort to attain the same, 242: (4) Concurrence in enterprises, 242: (5) If United States shall reduce from the British power the northern parts of America, or the Islands of Bermudas, they shall be confederated with or be dependent on the United States, 242: (6) France relinquishes all claims to the Islands of Bermudas, or any part of North America, 242: (7) Conquests which shall belong to France, 242: (8) Neither party to conclude a treaty without the consent of the other, 242: (9) No claim of compensation after the war, 243: (10) Agreement to admit other powers to the alliance, 243: (11) Mutual guaranty, 243: (12) Guaranty, when to commence, 243: (13) Ratification, 243.

TREATY OF AMITY AND COMMERCE: *Concluded February 6, 1778; Ratified by Congress May 4, 1778; Congress instruct Commissioners to procure abolition of 11th and 12th articles May 5, 1778; 11th and 12th articles suppressed September 1, 1778.* (8 St. at L., 12.)

- (1) Peace and friendship between the nations, 244: (2) Neither party to grant favors to other nations which shall not become common to the other party, 245: (3) Subjects of the King of France entitled to the same privileges in the United States as the most favored nations, 245: (4) Citizens of the United States to be

TREATY OF AMITY AND COMMERCE, 1778—Continued.

entitled to the same privileges in the dominions of France as the most favored nations, 245 : (5) Particular exception, 245 : (6) France to protect vessels of the citizens of the United States in her jurisdiction ; to restore them when captured, and to convoy them in certain cases, 245 : (7) The United States to do the same, 246 : (8) The King of France to aid the United States to make treaties with the Barbary powers, 246 : (9) Subjects of either party not to fish in the dominions of the other, 246 : (10) Citizens of the United States not to disturb the subjects of France in their right of fishing on the banks of Newfoundland, 246 : (11) Citizens of the United States exempted from droit d'anaine, and may dispose of their estates ; subjects of France have similar privileges, 247 : Two articles originally agreed to, rescinded, 247 : (12) Ships suspected shall exhibit passports and certificates, 248 : (13) Proceedings in case of contraband goods, 248 : (14) Goods found in an enemy's ship may be confiscated, unless put on board before the declaration of war, or within two months after, 249 : (15) Ships of war and privateers to do no injury to either party ; punishment for so doing, and reparation to be made, 249 : (16) All merchandise rescued out of the hands of pirates to be restored, 249 : (17) Prizes may be carried into the ports of either party ; no shelter to be given to the captors of prizes taken from either party, 249 : (18) In case of shipwreck, relief to be given, 250 : (19) Vessels in distress, forced into ports of either party, to be protected and permitted to depart, 250 : (20) In case of war six months to be allowed to the citizens or subjects to remove with their effects, 250 : (21) Citizens or subjects of neither party to take commissions or letters of marque from any foreign power or state with whom the other party is at war, nor act as privateers, 250 : (22) Foreign privateers not to be allowed to be fitted out or to sell their prizes in the ports of the other party, 251 : (23) Liberty for either party to trade with a nation at war with the other party ; free ships make free goods, excepting contraband articles, 251 : (24) What goods shall be deemed contraband, 251 : (25) Ships or vessels to be furnished with sea-letters or passports and certificates, 252 : (26) Vessels coming on the coast, or entering the ports of either party, how to be treated, 252 : (27) How vessels are to be treated if met by ships of war or privateers, 252 : (28) No search after goods are put on board of vessels, except in case of fraud, 253 : (29) Consuls to be allowed in the ports of either party, 253 : (30) Free ports, 253 : (31) Ratification, 253.

ACT SEPARATE AND SECRET : *Concluded February 6, 1778 ; Ratified by Congress May 4, 1778.* (17 St. at L., 795.)

Reserves right for King of Spain to agree to foregoing treaties, 254 : King of France to exercise good offices with King of Spain, 254.

CONTRACT RELATIVE TO PAYMENT OF LOAN : *Concluded July 16, 1782 ; Ratified by Congress January 22, 1783.* (8 St. at L., 614.)

- (1) Amount of different loans, 255 : (2) Repayment of loans, 256 : (3) Abatement of interest, 256 : (4) Interest to diminish in proportion to payments, 256 : (5) Loan made by France in Holland, acknowledged to be for benefit of United States, 256 : (6) Engagement of French King to repay said loan, 257 : (7) Agreement to repay amount of the loan in Holland, 257 : (8) Interest on loan in Holland to be paid by United States to France for five years ; ratifications to be exchanged in nine months, 257-258.

CONTRACT RELATIVE TO NEW LOAN : *Concluded February 25, 1783 : Ratified by Congress October 31, 1783.* (17 St. at L., 797.)

- (1) Amount and terms of loan, 259 : (2) Time, place, and mode of repayment of old loan, 259 : (3) Time, place, and terms of payment of new loan, 260 : (4) Interest, rate of, and terms of payments, 260 : (5) Interest to diminish in proportion to payments, 260 : (6) Ratifications to be exchanged in nine months, 260.

CONVENTION RELATIVE TO CONSULS, VICE-CONSULS, &c. : *Concluded November 14, 1788 ; Ratification advised by Senate July 29, 1789 ; Ratified by President September 9, 1789.* (8 St. at L., 106.)

- (1) Consuls to present commissions and to be entitled to an exequatur, 261 : (2) Privileges of consuls, 261 : (3) Consuls may appoint agents, 261 : (4) Consuls may establish a chancery, 262 : (5) Power and duty of consuls, 262 : (6) Consuls to receive declarations, &c., from captains, of losses at sea, 263 : (7) Power of consuls in cases of shipwreck, 263 : (8) Power of consuls respecting vessels of their own nation, 264 : (9) Power of consuls in regard to deserters, and mode of proceeding, 264 : (10) Citizens amenable for crimes to the judges of the country, 264 : (11) How to proceed when offenders withdraw on board their vessels, 264 : (12) Disputes between citizens in a foreign country to be settled by consuls, 265 : (13) Tribunals to decide commercial affairs, 265 : (14) Citizens exempted from personal service in places of settlement, 265 : (15) If either party grant greater consular privileges to another nation they shall be common to both, 265 : (16) This convention shall be in force during twelve years, 265.

CONVENTION OF PEACE, COMMERCE, AND NAVIGATION: *Concluded September 30, 1800; Ratification advised by Senate, with amendments, February 3, 1801; Ratified by President February 18, 1801; Ratified by First Consul of France, with Senate's amendments, on condition of acceptance of other amendments proposed by him, July 31, 1801; Ratifications exchanged at Paris July 31, 1801; Senate resolved, December 19, 1801, that it considered the convention as fully ratified, and that, as ratified by the First Consul of France, it be returned to the President for the usual promulgation; Proclaimed December 21, 1801. (8 St. at L., 178.)*

- (1) Firm, inviolable, and universal peace between the French Republic and United States of America, 266: (2) Treaty of 6th of February, 1788, and convention of the 14th November, 1788, abrogated, 266: (3) Captured public ships to be restored, 267: (4) Captured property, if not definitively condemned, to be restored; form of the passport to merchant ships; proof of captured vessels restored; proof with respect to cargo; this article to take effect from the signature of this convention, 267: (5) Debts due by individuals of either nation may be paid, &c., 268: (6) Commerce between the parties to be free, 268: (7) The citizens of either country to be at liberty to devise their property, and to have the right to take, to give, or devise, without naturalization, 268: (8) In case of war between the two nations, six months to be allowed to remove property, 268: (9) No debts to be sequestered or confiscated in case of war, 269: (10) Commercial agents may be appointed; agents to act after being furnished with exequatur, 269: (11) No more duties to be paid than the duties paid by the most favored nation, 269: (12) Citizens of France and of the United States to be at liberty to trade from enemies' ports to the ports of either country, unless blockaded; notice of blockade to be given before capture of vessels, and vessels to be permitted to go to other ports, 269: (13) Contraband; vessels laden with contraband goods, and the residue of the cargo, not to be affected by the prohibited goods, 270: (14) Free ships make free goods; not contraband, although belonging to an enemy; persons not military to be protected in free ships, 270: (15) Confiscation of free goods laden on board of an enemy's vessel after war is declared, 270: (16) Passports to be exhibited, and also certificates of the quality of goods, 271: (17) In time of war, the ships of a neutral nation to be furnished with passports mentioned in the fourth article; if contraband goods found on board are delivered up, the ship may pursue her voyage; if there is no passport, and other proof of the neutrality of the vessel, then no condemnation; if the master of a vessel dies, the ship and cargo shall be secure, 271: (18) Ships of either nation, if examined at sea, boats to be sent, and ships of war and privateers to remain out of cannon-shot, 272: (19) Ships under convoy not to be examined, 272: (20) Receipts to be given for the papers of captured vessels; sale of captured vessels not to be made without lawful condemnation, 272: (21) Master, commander, or supercargo, not to be removed; treatment of crew and passengers, 273: (22) Prizes to be condemned by established prize courts, 273: (23) Damages by men-of-war or privateers, to be paid; commanders of privateers to give security, 273: (24) Armed vessels and prizes not to pay duty, and not to be examined, 274: (25) Restrictions on foreign privateers, 274: (26) Pirates to be prohibited entering the ports of either nation; the ships and goods taken by pirates to be seized, 274: (27) The fisheries of either party not to be interfered with; ratifications exchanged within six months, 274: Second article of the treaty expunged; this convention to be in force for ten years, 274: Ratification by the First Consul of France, declaring the convention to be in force for eight years, 275.

TREATY FOR THE CESSION OF LOUISIANA: *Concluded April 30, 1803; Ratification advised by Senate October 20, 1803; Ratified by President October 21, 1803; Ratifications exchanged at Washington October 21, 1803; Proclaimed October 21, 1803. (8 St. at L., 200.)*

- (1) Recital of the French treaty with Spain, of October 1, 1800; retrocession from Spain to France of the province of Louisiana; cession of Louisiana to the United States, 276: (2) Islands, &c., included in the cession by the preceding article, 276: (3) Inhabitants of the ceded territory incorporated with the Union of the United States upon certain principles, 276: (4) Commissary to be sent from France to receive the province of Louisiana and pass it over to the United States, 276: (5) When the commissaries of the United States shall have possession, 276: (6) United States to execute certain Indian treaties agreed upon between Spain and the Indians, 277: (7) Vessels of France and Spain laden with the productions of their respective countries entitled to the same privileges with vessels of the United States, during the space of twelve years; no other vessels entitled to the same privilege during the said period, 277: (8) After the expiration of twelve years vessels of France to be on the footing of the most favored nations, 277: (9) The convention providing for the payment of debts to citizens of the United States to be ratified when this treaty is ratified; another convention to be ratified at the same time, 277-278: (10) Ratifications to be exchanged within six months, 278.

CONVENTION FOR PAYMENT OF SIXTY MILLIONS OF FRANCS BY THE UNITED STATES: *Concluded April 30, 1803; Ratification advised by Senate October 20, 1803; Ratified by President October 21, 1803; Ratifications exchanged at Washington October 21, 1803; Proclaimed October 21, 1803.* (8 St. at L., 206.)

- (1) United States engage to pay sixty millions of francs to France, &c., 278: (2) A stock to be created equal to sixty millions of francs, &c.; when the first payment shall be made; French government selling stock in Europe, to do it upon the best terms for the United States, 279: (3) Value of the dollar of the United States fixed; ratifications to be exchanged in six months, 279.

CONVENTION FOR PAYMENT OF SUMS DUE BY FRANCE TO CITIZENS OF THE UNITED STATES: *Concluded April 30, 1803; Ratification advised by Senate October 20, 1803; Ratified by President October 21, 1803; Proclaimed October 21, 1803.* (8 St. at L., 208.)

- (1) Debts due from France to citizens of the United States to be paid according to fixed regulations, 280: (2) Debts provided for by the preceding article, 280: (3) How the said debts are to be paid, 280: (4) What debts are comprehended by the preceding articles, 280: (5) To what cases they are particularly to apply, 280: (6) Ministers plenipotentiary of the United States to appoint commissioners to examine claims provisionally, 281: (7) To examine the claims, &c., and to certify those which ought to be admitted, 281: (8) To examine those not prepared for liquidation, 281: (9) The debts to be discharged at the treasury of the United States with interest, 281: (10) Commercial agent of United States at Paris to assist in the examination of claims, &c.; rejection of a claim to exempt the United States from paying it, 281: (11) Decisions to be made in one year, and no reclamations afterwards, 282: (12) Claims since 30th September, 1800, may be pursued, and payment demanded, 282: (13) Ratifications to be exchanged in six months, 282.

CONVENTION OF NAVIGATION AND COMMERCE: *Concluded June 24, 1822; Ratification advised by Senate January 31, 1823; Ratifications exchanged at Washington February 12, 1823; Proclaimed February 12, 1823.* (8 St. at L., 278.)

- (1) Articles, produce, &c., of the United States, imported in American vessels, to pay duties as if imported in French vessels, 287: (2) Articles, produce and manufactures of France, imported in French vessels, to pay duties as if imported in vessels of the United States, 287: (3) Goods for transit or exportation not to pay a discriminating duty in either country, 287: (4) Quantities composing the ton of merchandise of wines, brandies, silks, and dry-goods, cotton, tobacco, ashes, rice, &c., 287: (5) Duties of tonnage, &c., not to exceed in France five francs per ton on American vessels, 288: (6) Consuls and vice-consuls of either nation in the other may cause the arrest of deserters, and detain them for three months, 288: (7) Convention to be in force two years from October 1, 1822; extra duties at the end of two years to be diminished by one-fourth, and so from year to year, &c., 288: (8) Convention to be ratified in one year, 289: Separate article, 289: Extra duties levied on either side to be refunded, 289: Separate article, extra duties, 289.

CONVENTION RELATIVE TO CLAIMS AND DUTIES ON WINES AND COTTONS: *Concluded July 4, 1831; Ratification advised by Senate January 27, 1832; Ratified by President February 2, 1832; Ratifications exchanged at Washington February 2, 1832; Proclaimed July 13, 1832.* (8 St. at L., 430.)

- (1) Indemnity to American citizens, 290: (2) Payments, 290: (3) Indemnity to the French government, 290: (4) Payments, 290: (5) Other claims by citizens of either nation may be prosecuted in the respective countries before competent tribunals, 291: (6) Reciprocal agreement to communicate documents, 291: (7) Duties on French wines; reclamations under the eighth article of the treaty of Louisiana abandoned in consideration of the stipulations as to duty on French wines, 291: (8) Ratifications to be exchanged within eight months, 291.

CONVENTION FOR EXTRADITION OF CRIMINALS: *Concluded November 9, 1843; Ratification advised by Senate February 1, 1844; Ratified by President February 2, 1844; Ratifications exchanged at Washington, April 12, 1844; Proclaimed April 13, 1844.* (8 St. at L., 580.)

- (1) Persons accused of crimes to be given up to justice, 292: (2) Persons delivered up must be charged with certain specified crimes, 292: (3) Surrender by whom to be made, 292: (4) Expenses to be borne by the party making requisition, 292: (5) Not to apply to crimes heretofore committed, or political offences, 293: (6) This convention to continue till abrogated; ratifications to be exchanged within six months, 293.

ADDITIONAL ARTICLE TO CONVENTION OF NOVEMBER 9, 1843, FOR EXTRADITION OF CRIMINALS: *Concluded February 24, 1845; Ratification advised by Senate March 12, 1845; Ratified by President May 5, 1845; Ratifications exchanged at Paris June 21, 1845; Proclaimed July 24, 1845.* (8 St. at L., 617.)

- Art. The crimes of robbery and burglary defined and included in the provision of treaty of November 9, 1843, 293.

CONVENTION RELATIVE TO RIGHTS, &C., OF CONSULS: *Concluded February 23, 1853; Ratification advised by Senate, with amendments, March 29, 1853; Ratified by President April 1, 1853; Ratifications exchanged at Washington August 11, 1853; Proclaimed August 12, 1853.* (10 St. at L., 992.)

- (1) Exequaturs, 294: (2) Immunities and privileges of consuls, &c.; how evidence of consul to be taken; consular pupils; provision in case of death of consular officer, 294-295: (3) Immunities of their offices, dwellings, and papers, 295: (4) Complaints of infraction of treaties, 295: (5) Vice-consuls and consular agents, 295: (6) To receive protests; copies of such papers authenticated by them to be received as evidence, 295-296: (7) Right to hold property, 296: (8) To have cognizance of disputes between captains, officers, and crews of their own nation, 296: (9) Deserters; Consuls' right to aid from local authorities, 297: (10) Protests relative to injuries received at sea, 297: (11) Salvage, 297: (12) Consuls' immunities, 298: (13) Duration of convention, 298.

ADDITIONAL ARTICLE TO CONVENTION OF NOVEMBER 9, 1843, FOR EXTRADITION OF CRIMINALS, AND TO ADDITIONAL ARTICLE THERETO OF FEBRUARY 24, 1845: *Concluded February 10, 1858; Ratification advised by Senate, with amendment, June 15, 1858; Ratified by President June 28, 1858; Ratifications exchanged at Washington February 12, 1859; Proclaimed February 14, 1859.* (11 St. at L., 741.)

Article adds forgery, uttering counterfeit coin or bank-notes, embezzlement by employees, 298-299.

CONVENTION RELATIVE TO TRADE-MARKS: *Concluded April 16, 1869; Ratification advised by Senate April 19, 1869; Ratified by President April 30, 1869; Ratifications exchanged at Washington July 3, 1869; Proclaimed July 6, 1869.* (16 St. at L., 771.)

- (1) Counterfeiting trade-marks, right of action for, in courts, 299: (2) Where trade-marks to be deposited, 299: (3) When convention to take effect, duration, 299: (4) Ratifications, 300.

GERMAN EMPIRE.

CONVENTION RELATIVE TO RIGHTS, &C., OF CONSULS AND TO TRADE-MARKS: *Concluded December 11, 1871; Ratification advised by Senate January 18, 1872; Ratified by President January 26, 1872; Protocol advised by Senate April 24, 1872; Protocol agreed to and ratifications exchanged at Berlin April 29, 1872; Proclaimed June 1, 1872.* (17 St. at L., 921.)

- (1) Consuls to be received, 302: (2) Reception, form of; exequatur, withdrawal of, 302: (3) Rights of consuls, free from arrest, except liability, if doing business, 303: (4) May have national arms over door, 303: (5) Archives inviolable and dwellings, but not to be used as place of refuge, 303: (6) Death of consul, who to act in case of, 303: (8) Right to apply to local authorities for redress and information, 304: (9) May take depositions, verify wills of countrymen; papers receivable as evidence, 304: (10) Death of countrymen, succession, duties, 305: (11) Consul take charge of effects of deceased sailors, 305: (12) Rights in respect to vessels of their nation; merchant-vessels not to be searched, without notice, 305: (13) Jurisdiction in disputes between officers and crews of vessels, 305: (14) Deserters, duty as to, 306: (15) Damages suffered by vessels, 306: (16) Wrecked vessels, duty as to, 307: (17) Trade-marks, 307: (18) Duration of convention; ratifications, 307.

GREAT BRITAIN.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

PROVISIONAL ARTICLES FOR TREATING OF PEACE: *Concluded November 30, 1782; Proclamation ordered by Congress April 11, 1783.* (8 St. at L., 54.)

- (1) The United States acknowledged to be free, sovereign, and independent, 309: (2) Boundaries established, 309: (3) Right of fishery secured, 310: (4) Debts to be paid, 310: (5) Congress to recommend to the States restitution of confiscated estates, 311: (6) No further confiscations or prosecutions, 311: (7) Hostilities to cease, and British armies to be withdrawn, 311: (8) Navigation of the Mississippi to be free to both nations, 312: (9) Conquests before the arrival of these articles in America to be restored, 312: Separate article relative to boundary, in case Great Britain shall be put in possession of West Florida, November 30, 1782, 312.

ARMISTICE DECLARING A CESSATION OF HOSTILITIES: *Concluded January 20, 1783, 312.* (8 St. at L., 58.)

Copy of the first and twenty-second preliminary articles between France and Great Britain, signed at Versailles, the 20th January, 1783, 313.

DEFINITIVE TREATY OF PEACE: *Concluded September 3, 1783; Ratified by Congress January 14, 1784; Proclaimed January 14, 1784.* (8 St. at L., 80.)

- (1) United States acknowledged to be independent, 315: (2) Boundaries established, 315: (3) Right of fishery secured, 316: (4) Debts to be paid, 316: (5)

DEFINITIVE TREATY OF PEACE, 1783—Continued.

Congress to recommend to the States the restitution of confiscated estates, 316: (6) No further confiscations or prosecutions, 317: (7) Hostilities to cease, and British armies to be withdrawn, 317: (8) Navigation of the Mississippi to be free to both nations, 317: (9) Conquests before the arrival of these articles in America to be restored, 317: (10) Ratifications to be exchanged within six months, 318.

TREATY OF AMITY, COMMERCE, AND NAVIGATION: *Concluded November 19, 1794; Ratification advised by Senate, with amendments, June 24, 1795; Ratified by President, with an additional article; Ratifications exchanged at London, October 28, 1795; Proclaimed February 29, 1796.* (8 St. at L., 116.)

- (1) Peace established, 318: (2) His majesty to withdraw troops from the United States; privileges allowed to settlers and traders, 319: (3) Commercial intercourse regulated between the two parties on the Continent of America, 319: (4) Survey of the Mississippi to be made, 320: (5) Commissioners to be appointed to decide what river is the river St. Croix, intended by the treaty of peace to be the boundary of the United States, 321: (6) United States to make compensation to British creditors for losses occasioned by legal impediments to the collection of debts contracted before the peace; commissioners to be appointed to ascertain the same; their power and duty; the United States to pay the sum awarded, 321: (7) The British government to make compensation to American citizens for illegal captures of their vessels by British subjects; commissioners to be appointed to ascertain the same; United States to make compensation to British subjects for captures in their jurisdiction, or by vessels armed in their ports, 323: (8) How expenses shall be paid and vacancy of commissioners supplied, 324: (9) Alienage not to affect certain titles to land, 324: (10) Sequestration of debts restrained, 324: (11) Reciprocal and perfect liberty of navigation and commerce between the respective people under the limitations and conditions specified in the following articles, 324: (12) West India trade regulated, 325: (13) West India trade regulated, 326: (14) Liberty of commerce between the British European dominions and the United States established, 326: (15) Regulations respecting duties on ships and merchandise, 327: (16) Consuls may be appointed, 327: (17) How to proceed when vessels are captured on suspicion of having enemies' property or contraband goods, 328: (18) What articles shall be deemed contraband; stipulations respecting provisions becoming contraband; regulations respecting vessels attempting to enter a blockaded port or found there, 328: (19) Privateering regulated, 329: (20) Pirates not to be protected, and goods taken by them to be restored, 329: (21) Subjects or citizens of one party shall not accept commissions from a foreign state at war with the other, 329: (22) No reprisal till demand of satisfaction and refusal, 330: (23) Ships of war of each to be received in the ports of the other; American vessels, in case of stress of weather, may enter British ports, 330: (24) Foreign privateers not to arm in the ports of either nation, nor to sell their produce, 330: (25) Regulations respecting prizes and captures, 331: (26) Privileges of the subjects and citizens of each party residing in the dominions of the other in case of rupture, 331: (27) Criminals to be delivered up to justice, 332: (28) Limitation; the first ten articles of the treaty to be permanent; the twelfth article limited to twelve years; ratification, 332: Additional article; twelfth suspended, 333.

ARTICLE EXPLANATORY OF THIRD ARTICLE OF TREATY OF AMITY, COMMERCE, AND NAVIGATION, OF NOVEMBER 19, 1794: *Concluded May 4, 1796; Ratification advised by Senate May 9, 1796, 333.* (8 St. at L., 130.)ARTICLE EXPLANATORY OF FIFTH ARTICLE OF TREATY OF AMITY, COMMERCE, AND NAVIGATION, OF NOVEMBER 19, 1794: *Concluded March 15, 1798; Ratification advised by Senate June 5, 1798.* (8 St. at L., 131.)

The commissioners under the fifth article released from particularizing the latitude and longitude of the river intended by the St. Croix, 334.

ADDITIONAL CONVENTION TO TREATY OF AMITY, COMMERCE, AND NAVIGATION OF NOVEMBER 19, 1794: *Concluded January 8, 1802; Ratification advised by Senate April 26, 1802; Ratified by President April 27, 1802; Ratifications exchanged at London July 15, 1802—336.* (8 St. at L., 196.)

- (1) The sixth article of the treaty of November 19, 1794, ante, page 321, annulled, with exceptions; United States agree to pay £600,000 sterling, in annual instalments of £200,000 each, 337: (2) The fourth article of the treaty of peace of 1783, relative to private debts, recognized and confirmed, 337: (3) Commissioners to execute the duties assigned to them by the 7th article of the treaty of 1794, 337: (4) Ratification of this convention, 338.

TREATY OF PEACE AND AMITY: *Concluded December 24, 1814; Ratification advised by Senate February 16, 1815; Ratified by President February 17, 1815; Ratifications exchanged at Washington February 17, 1815; Proclaimed February 18, 1815.* (8 St. at L., 218.)

- (1) Firm and inviolable peace; Territory, &c., to be restored, with exceptions;

TREATY OF PEACE AND AMITY, 1814—Continued.

archives and records to be restored, 338 : (2) Immediately on ratification, orders to be sent to armies, &c., to cease hostilities ; limitation of time of capture in different latitudes, 339 : (3) Prisoners of war to be restored, 339 : (4) Reference of the boundary established by the treaty of 1783 ; mode of the appointment of commissioners ; meeting of the commissioners ; in cases of disagreement of commissioners, reference to a friendly power, 339 : (5) Commissioners to settle boundaries ; meeting and proceedings of commissioners ; in case of difference to be referred to a friendly power, 340 ; (6) Doubts as to the boundary from a point in the forty-fifth degree of north latitude, to be referred to commissioners ; meeting and duties of the commissioners ; in case of disagreement of the commissioners, reference to a friendly power, 341 : (7) Commissioners to fix the boundary to the water communication between the Lakes Huron and Superior and the Lake of the Woods ; in case of disagreement of commissioners, a reference, 342 : (8) The board of commissioners may appoint a secretary, and employ surveyor ; compensation of the commissioners ; all grants of land prior to the commencement of the war falling within the dominions of the other party to be valid, 342 : (9) United States to put an end to the war with the Indian tribes and nations after the ratification of this treaty, and to restore to such tribes and nations the possessions they enjoyed or were entitled to in 1811, 343 : (10) Contracting parties shall use their best endeavors to promote the entire abolition of the slave-trade, 343 : (11) Treaty to be binding when ratification is exchanged, 344.

CONVENTION TO REGULATE COMMERCE: *Concluded July 3, 1815 ; Ratification advised by Senate December 19, 1815, subject to the exception contained in the annexed declaration of Anthony St. John Baker, of November 24, 1815 ; Ratified by President December 22, 1815 ; Ratifications exchanged at Washington December 22, 1815.* (8 St. at L., 228.)

- (1) Reciprocal liberty of commerce between the territories of United States and the British territories in Europe, 344 : (2) No higher or other duties on productions of each country than on those of other foreign countries ; equality of duties on American and British vessels ; same duties on productions of each country ; equality of duties and bounties, &c. ; drawbacks on the same ; intercourse with the British West Indies and North American continental possessions not affected by this article, 345 : (3) Vessels of United States may trade to Calcutta, &c., direct, in articles not entirely prohibited ; citizens of United States not to pay more than is paid on vessels of the most favored nation ; articles must be conveyed direct to United States and be unladen ; vessels of United States not to carry on the coasting trade in the British East Indies ; American vessels may touch for refreshment, 346 : (4) Consuls to reside in the dominions of each party ; how they may be punished ; particular places excepted from the residence of consuls, 347 : (5) This convention, when ratified, to be obligatory for four years ; exchange of ratifications in six months, 347.

DECLARATION OF HIS BRITANNIC MAJESTY'S CHARGÉ D'AFFAIRES ON THE EXCHANGE OF RATIFICATIONS OF THE CONVENTION OF JULY 3, 1815.

All vessels, except those of the East India Company, excluded from approaching the island of St. Helena, allotted for the future residence of Napoleon Bonaparte, 347 : Vessels of the United States must not touch at St. Helena, 348.

ARRANGEMENT AS TO THE NAVAL FORCE TO BE RESPECTIVELY MAINTAINED ON THE AMERICAN LAKES: *Concluded April 28, 1817 ; Approved by Senate April 16, 1818, and recommended to be carried into effect ; Proclaimed April 28, 1818.* (8 St. at L., 231.)

Naval force on the lakes ; Lake Ontario ; upper lakes ; Lake Champlain ; other vessels to be dismantled ; stipulations may cease on six months' notice, 348 ; naval force to be restricted so as not to interfere with the proper duties of the armed vessels of the other party, 348.

DECLARATION OF COMMISSIONERS UNDER FOURTH ARTICLE OF TREATY OF GHENT: *Made November 24, 1817, 348.* (8 St. at L., 250.)

DECISION OF COMMISSIONERS UNDER FOURTH ARTICLE OF TREATY OF GHENT: *Made November 24, 1817, 349.* (8 St. at L., 250.)

Moose Island, &c., 349 ; other islands, 349.

CONVENTION RESPECTING FISHERIES, BOUNDARY, AND RESTORATION OF SLAVES: *Concluded October 20, 1818 ; Ratification advised by Senate January 25, 1819 ; Ratified by President January 28, 1819 ; Ratifications exchanged at Washington January 30, 1819 ; Proclaimed January 30, 1819.* (8 St. at L., 248.)

- (1) Definition of the extent of the common right of fishing, &c., on the coast of the British dominions in America ; exception as to the Hudson Bay Company ; renunciation by the United States as to other fisheries, with exceptions, 350 : (2) Definition of the northern boundary of the United States from the Lake of the Woods to the Stony Mountains, 351 : (3) Country claimed by either party westward of the Stony Mountains to be free to both parties till October 20, 1828, 351 : (4) Convention of London of July 3, 1815, continued for ten years, 351 : (5) Reference

CONVENTION RESPECTING FISHERIES, BOUNDARY, AND RESTORATION OF SLAVES, 1818—Continued.

to first article of treaty of Ghent; claims for slaves under the first article of treaty of Ghent; differences growing out of the claim for slaves to be referred to some friendly sovereign or state, 351: (6) The convention obligatory on exchange of ratifications, 352.

DECISION OF COMMISSIONERS UNDER SIXTH ARTICLE OF TREATY OF GHENT: *Made June 18, 1822. (8 St. at L., 274.)*

Boundary of the United States to be established, 352: Description of the boundary of the United States, 353: Islands, 355.

CONVENTION FOR INDEMNITY UNDER AWARD OF EMPEROR OF RUSSIA AS TO TRUE CONSTRUCTION OF FIRST ARTICLE OF TREATY OF GHENT: *Concluded July 12, 1822; Ratification advised by Senate January 3, 1823; Ratified by President January, 1823; Ratifications exchanged at Washington January 10, 1823; Proclaimed January 11, 1823. (8 St. at L., 292.)*

Award of His Majesty the Emperor of all the Russias, under the fifth article of the Convention of October 20, 1818, 356: Plenipotentiaries of Russia, United States, and Great Britain, 356: (1) Agreement of the plenipotentiaries; arbitrators and commissioners to be appointed to meet in the city of Washington; oath or affirmation to be taken in the presence of each other; vacancies to be filled up, 357: (2) If an average value of each slave be not agreed upon as compensation, commissioners and arbitrators shall fix an average value; in case they do not agree, the evidence, &c., shall be submitted to the minister of the mediating power; his decision to be final, 357: (3) Two commissioners to constitute a board for the examination of claims; His Britannic Majesty to cause evidence of the number of slaves carried away to be produced, 358: (4) The two commissioners to examine and determine claims, 358: (5) If the commissioners shall not agree in any case, they shall draw by lot the name of one of the arbitrators; final decision to be given, 359: (6) The decision of the commissioners shall be binding; His Britannic Majesty agrees to pay the sums awarded in specie, 359: (7) Payments for the commissioners and arbitrators, 359: (8) Certified copies of this convention to be delivered to the minister of the mediating power, 359: Documents referred to in the treaty, 360: Letter, Count Nesselrode to Mr. Middleton, April 22, 1822, 360: Award of the Emperor of Russia, April 22, 1822, 360: Letter, Count Nesselrode to Mr. Middleton, April 27, 1822, 361.

SUPPLEMENTAL CONVENTION RELATIVE TO INDEMNITY UNDER CONVENTION OF JULY 12, 1822: *Concluded November 13, 1826; Ratification advised by Senate December 26, 1826; Ratified by President December 27, 1826; Ratifications exchanged at London February 6, 1827; Proclaimed, March 19, 1827; 362. (8 St. at L., 344.)*

(1) Sum to be paid by Great Britain, 363: (2) Convention annulled, 363: (3) When and where payable, 363: (4) The sums to be in full for all claims under the convention, 363: (5) Papers of the commission, 363: (6) Ratification, 364.

CONVENTION RELATIVE TO TERRITORY ON NORTHWEST COAST WEST OF THE ROCKY MOUNTAINS, CONTINUOUS TO CONVENTION OF OCTOBER 20, 1818: *Concluded August 6, 1827; Ratification advised by Senate February 5, 1828; Ratified by President February 21, 1828; Ratifications exchanged at London April 2, 1828; Proclaimed May 15, 1828. (8 St. at L., 360.)*

(1) Third article of convention of 3d of October, 1818, relative to the territory westward of the Stony Mountains, indefinitely extended, 364: (2) Convention may be annulled on due notice of twelve months by either party, 365: (3) Certain claims not to be affected by this treaty, 365: (4) Ratifications, 365.

CONVENTION CONTINUING IN FORCE FOR TEN YEARS CONVENTION OF JULY 3, 1815, TO REGULATE COMMERCE: *Concluded August 6, 1827; Ratification advised by Senate January 9, 1828; Ratified by President January 12, 1828; Ratifications exchanged at London April 2, 1828; Proclaimed May 15, 1828, 365. (8 St. at L., 361.)*

(1) Provisions of the convention of 3d July, 1815, further continued for ten years, 366: (2) Either party, at any time after ten years, may abrogate this convention, giving twelve months' notice, 366: (3) Ratifications, 366.

CONVENTION RELATIVE TO THE NORTHWESTERN BOUNDARY: *Concluded September 29, 1827; Ratification advised by Senate January 14, 1828; Ratified by President February 12, 1828; Ratifications exchanged at London April 2, 1828; Proclaimed May 15, 1828, 366. (8 St. at L., 362.)*

(1) Reference of differences as to the boundary between American and British dominions to a friendly power, 367: (2) Statements of the respective cases to be drawn up, 367: (3) Each of the contracting parties shall communicate to the other the evidence to be offered, 367: (4) Maps to be annexed to the statements, 368: (5) Statements, &c., to be delivered to the arbitrating power within two years, 368: (6) In case the arbiter should desire further evidence, mode of producing it, 369: (7) The decision of the arbitrators shall be final, 369: (8) Ratifications to be exchanged within nine months, 369.

TREATY RELATIVE TO BOUNDARIES, SUPPRESSION OF THE SLAVE-TRADE, AND EXTRADITION OF CRIMINALS: *Concluded August 9, 1842; Ratification advised by Senate August 20, 1842; Ratified by President August 22, 1842; Ratifications exchanged at London October 13, 1842; Proclaimed November 10, 1842, 369, (8 St. at L., 572.)*

- (1) Boundary-line between the United States and the British possessions, 370: (2) Description of the boundary-line, 371: (3) Navigation of the river St. John to be free to both parties, 372: (4) Grants of land, &c., within the territory, confirmed to persons in possession of such grants, 372: (5) Distribution of "disputed territory fund," 373: (6) Commissioners to be appointed to mark the line between the St. Croix and St. Lawrence Rivers, 373: (7) Certain waters free to both parties, 373: (8) Mutual agreement for the suppression of the slave-trade, 374: (9) Parties to unite in remonstrances with other powers, within whose dominions a market is found for slaves, 374: (10) Criminals to be delivered up to either party upon requisition, 374: (11) Treaty to be in force for five years, and afterwards until one or the other party shall signify a wish to terminate it; tenth article in force until either party shall wish to terminate it, 375: (12) Ratifications to be exchanged within six months, 375.

TREATY FOR SETTLEMENT OF BOUNDARY WEST OF THE ROCKY MOUNTAINS: *Concluded June 15, 1846; Ratification advised by Senate June 18, 1846; Ratified by President June 19, 1846; Ratifications exchanged at London July 17, 1846; Proclaimed August 5, 1846. (9 St. at L., 869.)*

- (1) Boundary-line west of Rocky Mountains, 375: Navigation between Vancouver's Island and the continent, and of Fuca's Straits, 376: (2) Navigation of part of Columbia River, 376: Regulations for navigation of said river, 376: (3) Possessory rights of all British subjects, 376: (4) Farms, &c., belonging to the Puget's Sound Agricultural Company, 376: (5) Ratifications, 376.

CONVENTION RELATIVE TO A SHIP-CANAL BY WAY OF NICARAGUA, COSTA RICA, THE MOSQUITO COAST, OR ANY PART OF CENTRAL AMERICA: *Concluded April 19, 1850; Ratification advised by Senate May 22, 1850; Ratified by President May 23, 1850; Ratifications exchanged at Washington July 4, 1850; Proclaimed July 5, 1850. (9 St. at L., 995.)*

- (1) Exclusive control over the canal not to be exercised by either power, 377: (2) Privileges of vessels of either party, 377: (3) Property of the parties engaged in constructing the canal, 378: (4) Construction of the work to be facilitated, 378: Free ports, 378: (5) Neutrality of canal, 378: Guaranty of neutrality, 378: (6) Every State in friendly intercourse to enter into similar stipulations, 378: (7) Contract for completion of canal to be entered into, 379: Priority of claim, 379: (8) Protection to be extended by treaty stipulations to other communication by canal or railway across the isthmus, 379: (9) Ratifications, 380.

PROTOCOL OF A CONFERENCE HELD AT THE FOREIGN OFFICE DECEMBER 9, 1850.

Ceding Horse-Shoe Reef to the United States, 911.

CONVENTION FOR SETTLEMENT OF CLAIMS: *Concluded February 8, 1853; Ratification advised by Senate March 15, 1853; Ratified by President March 17, 1853; Ratifications exchanged at London July 26, 1853; Proclaimed August 20, 1853. (10 St. at L., 988.)*

- (1) All claims, on either party, to be referred to commissioners, 381: Place of meeting, 381: Declaration of the commissioners, 381: Umpire, 381: His declaration, 381: Provision for his not acting, 381: (2) Investigation of claims, 381: Limitation of term for presenting claims, 382: (3) Decisions, 382: (4) Payment of sums awarded, 382: (5) Proceedings of the commissioner to be in full of all claims, 383: (6) Record, 383: Salary of commissioner, 383: Salary of clerk, 383: Expenses of the commission, 383: (7) Ratifications, 383.

TREATY EXTENDING THE RIGHT OF FISHING AND REGULATING COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND HER BRITANNIC MAJESTY'S POSSESSIONS IN NORTH AMERICA (RECIPROCITY): *Concluded June 5, 1854; Ratification advised by Senate August 2, 1854; Ratified by President August 9, 1854; Ratifications exchanged at Washington September 9, 1854; Proclaimed September 11, 1854. (10 St. at L., 1089.)*

- (1) Commissioners to determine the reserved fisheries, 384: Umpire in case of their disagreement, 385: (2) Rights of British subjects in American fisheries, 385: (3) Certain articles, the growth of said countries, to be admitted into the other duty free, 385: (4) Rights of Americans in the St. Lawrence and the Canadian canals, 386: This right may be suspended, 386: Rights of British subjects in Lake Michigan, 386: Duty on Maine lumber floated down the St. John, 386: (5) Conditions on which this treaty shall take effect, 387: (6) Newfoundland may be included in this treaty, 387.

CONVENTION EXTENDING DURATION OF COMMISSION ON CLAIMS AUTHORIZED BY CONVENTION OF FEBRUARY 8, 1853: *Concluded July 17, 1854; Ratification advised by Senate July 21, 1854; Ratified by President July 24, 1854; Ratifications exchanged at London August 18, 1854; Proclaimed September 11, 1854. (10 St. at L., 1103.)*

- (1) Commission on claims, time for termination of extended, 388: (2) Ratifications, 388.

TREATY FOR SUPPRESSION OF THE AFRICAN SLAVE-TRADE: *Concluded April 7, 1862; Ratification advised by Senate April 24, 1862; Ratified by President April 25, 1862; Ratifications exchanged at London May 20, 1862; Proclaimed June 7, 1862, 388. (12 St. at L., 1225.)*

- (1) Vessels of war of each nation may visit merchant-vessels, &c., 389: Right of search authorized by vessels of war, 389: Mode of search, 389: (2) Ships of war, to be furnished with treaty, 390: Names of, to be given by each nation, 390: Rank of commanders, 390: Vessels under convoy, mode of procedure as to, 390: (3) Wrongful detention, losses by, 390: Indemnity to be paid, 391: (4) Mixed courts, three to be established, 391: Places of courts, 391: Duties of courts, 391: (5) Reparation for wrongful acts of officers, 391: Punishment of such officers, 391: (6) Merchant-vessels may be detained, 391: (7) Damages, 392: (8) Vessels condemned under this treaty, 392: (9) Owners, officers, and crew, &c., of condemned vessel to be punished, 393: Persons on board to be sent to their nation, 393: Subjects of either power found in condemned vessel of a third power, 393: (10) Negroes found on board condemned vessels, 393: (11) Instruments annexed to treaty, 393: (12) Ratifications, 393.

ADDITIONAL ARTICLE TO TREATY FOR SUPPRESSION OF THE AFRICAN SLAVE-TRADE OF APRIL 7, 1862: *Concluded February 17, 1863; Ratification advised by Senate February 27, 1863; Ratified by President March 5, 1863; Ratifications exchanged at London April 1, 1863; Proclaimed April 22, 1863. (13 St. at L., 645.)*

- (1) Right of search and detention of certain vessels may be exercised within thirty leagues of Madagascar, Puerto Rico, and San Domingo, 401: To have same effect as if it formed part of former treaty, 402: Ratifications, when to be exchanged, &c., 402.

TREATY FOR FINAL SETTLEMENT OF CLAIMS OF THE HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES: *Concluded July 1, 1863; Ratification advised by Senate January 18, 1864; Ratified by President March 2, 1864; Ratifications exchanged at Washington March 3, 1864; Proclaimed March 5, 1864, 402. (13 St. at L., 651.)*

- (1) Commissioners to examine claims, 402: Appointment, place of meeting, &c., 402: (2) To name an umpire, 403: If they cannot agree, King of Italy to appoint, 403: Umpire to be qualified, 403: Vacancy in office, &c., how filled, 403: Decision to be final, 404: (3) Awards to be paid in instalments, 404: (4) Salaries of, and of arbitrator, 404: Clerks to, and their pay, 404: Record of proceedings to be kept, 404: (5) Ratifications, 404.

CONVENTION RELATIVE TO NATURALIZATION: *Concluded May 13, 1870; Ratification advised by Senate July 8, 1870; Ratified by President July 19, 1870; Ratifications exchanged at London August 10, 1870; Proclaimed September 16, 1870. (16 St. at L., 775.)*

- (1) Citizens of either country naturalized as citizens or subjects of other country, to be treated as citizens of such country, 405: (2) Naturalization may be renounced if, &c., 406: (3) Citizens renewing residence in original country, 406: (4) Ratifications, 406.

CONVENTION SUPPLEMENTAL TO TREATY OF APRIL 7, 1862, FOR SUPPRESSION OF THE AFRICAN SLAVE-TRADE: *Concluded June 3, 1870; Ratification advised by Senate July 8, 1870; Ratified by President July 19, 1870; Ratifications exchanged at London August 10, 1870; Proclaimed September 16, 1870. (16 Stat. L., 777.)*

- (1) Mixed courts to cease, 407: (2) Jurisdiction of mixed courts to be exercised by prize courts, 407: (3) Merchant-vessels detained as slavers, disposition of, 408: Witnesses and proofs to be sent with vessel, 408: (4) Instructions annexed to be part of treaty, 408: (5) Other parts of treaty of 1862 to be in force, 408: (6) Notice of this convention to be given to the mixed courts, 409: (7) Duration of convention, 409: Ratifications, 409.

CONVENTION RELATIVE TO RENUNCIATION OF NATURALIZATION, SUPPLEMENTAL TO CONVENTION OF MAY 13, 1870: *Concluded February 23, 1871; Ratification advised by Senate March 22, 1871; Ratified by President March 24, 1871; Ratification advised by at Washington May 4, 1871; Proclaimed May 5, 1871. (17 St. at L., 841.)*

- (1) Naturalized citizens of either power may renounce their naturalization, 411: Renunciation, how to be made, 412: (2) Persons renouncing naturalization, lists of to be furnished, 412: (3) Ratifications, 412: Annex A. form of declaration of renunciation of naturalization, 412.

TREATY FOR AMICABLE SETTLEMENT OF ALL CAUSES OF DIFFERENCE: *Concluded May 8, 1871; Ratification advised by Senate May 24, 1871; Ratified by President May 25, 1871; Ratifications exchanged at London June 17, 1871; Proclaimed July 4, 1871. (17 St. at L., 863.)*

- (1) Alabama claims to be referred to arbitration, 413: Arbitrators, and how to be named, 414: Vacancies, how filled, 414: (2) To meet, when and where, 414: Their powers and duties, 414: A majority to decide, 414: Agent of each party, 414: (3) Case, &c., of each party to be given to arbitrators, 414: (4) Counter case, &c., 415: Time may be extended, 415: Documents and papers to be pro-

TREATY FOR AMICABLE SETTLEMENT OF ALL CAUSES OF DIFFERENCE, 1871—Continued.

duced, 415: (5) Arguments and briefs, 415: (6) Rules, &c., to govern the arbitrators in their decisions, 415: Obligations of a neutral government, 415: Not admitted to have been in force when the Alabama claims arose, but to govern in future cases, 416: (7) Decision of arbitrators, when to be made and in what form, 416: To be made as to each vessel separately, 416: Award to be in duplicate, and to whom delivered, 416: Gross sum may be awarded, if, &c., 416: When to be paid, 416: (8) Expenses of the arbitration, how to be defrayed, 416: (9) Arbitrators to keep a record, &c., 416: (10) If Great Britain is found in fault, and a gross sum not awarded, board of assessors to determine claims, 417: Board of assessors, how to be constituted, 417: To meet when and where, 417: Members to subscribe a declaration that, &c., 417: Their powers and duties, 417: A majority to decide, 417: Decision, when and how given, 417: Claims to be presented within what time, 417: Clerks, expenses, &c., of, 417: Report of assessors, how to be made, and to whom delivered, 417: Awards, when and where to be paid, 418: (11) Decision of arbitrators and assessors to be final, 418: Claims not presented to be deemed finally settled, 418: (12) Claims other than the Alabama claims, arising between April 13, 1861, and April 9, 1865, to be referred to three commissioners, 418: Commissioners, their appointment, powers, and duties, 418: Vacancies, how filled, 418: (13) To investigate and decide claims, 419: A majority to decide, 419: Award on each claim, 419: Agent of each government, 419: Decisions to be final, 419: (14) Claims to be presented and decided within what time, 419: (15) Awards, when to be paid, 419: (16) Records, secretary, &c., 420: Expenses to be charged upon awards, 420: But not to exceed five per cent., 420: (17) Decision to be final upon all claims that might have been presented, 420: (18) Right given to the inhabitants of the United States in certain sea fisheries, except salmon and shad, in British waters, in common with British subjects, 420: Compensation, if any, to be paid by the United States for this grant, to be determined by commissioners, 420: (19) Sea fisheries; British subjects to have rights in common in certain, on certain coasts of the United States, 421: Salmon and shad fisheries excluded, 421: (20) Certain places reserved from the common right of fishing, 421: Commission to be appointed to designate such places, if, &c., 421: (21) Certain fish-oil and fish to be admitted into each country free of duty, 421: (22) Award of commissioners, and when to be paid, 422: (23) Commissioners, appointment of, 422: Vacancies, how filled, 422: When and where to meet, 422: Their powers and duties, 422: Agent for each government, 422: (24) Proceedings before, how conducted, 422: Documents and papers, 422: Cases to be closed in six months, &c., 423: Awards, when to be given, 423: (25) Records, secretary, expenses, 423: (26) Navigation of the St. Lawrence to be free, subject to, &c., 423: Of the rivers Yukon, Porcupine, and Stikine, 423: Of Lake Michigan, 423: (27) The use on terms of equality of certain canals by inhabitants of both countries to be urged, 423: (28) Provision for conveyance, without payment of duty in transit through territory of the United States, certain merchandise imported at certain ports of the United States, and of goods intended for export, 424: Reciprocal provision as to conveyance in transit through British territory, 424: (30) British subjects may carry in British vessels goods free of duty from certain ports of the United States to other such ports, if part of such carriage is through Canada by land and in bond, 424: Reciprocal privileges granted to citizens of the United States, 424: Provision as to export duties on goods carried under this agreement, 425: Privileges may be suspended by the United States, if, &c., 425: (31) Lumber cut in Maine, floated down the St. John and shipped to the United States from New Brunswick, provision as to duty on, 425: (32) Provisions of Articles 18 and 25 to extend to Newfoundland, 425: (33) When certain articles of the treaty take effect, and how long they continue, 425: (34) Boundary-line between the United States and British possessions west of the Rocky Mountains, determination as to part of it to be left to the arbitration of the Emperor of Germany, 426: (35) Award, its form, effect, and how delivered, 426: (36) The case of the two parties to be laid before him, how and within what time, 426: (37) Papers and documents, 427: (38) Agents of each government before the arbitrator, 427: (39) Arbitrator to act in person or otherwise, 427: (40) Secretary or clerk, 427: (41) Costs and expenses, how to be paid, 427: (42) Form of award, and when and how to be delivered, 428: (43) Treaty, when to be ratified, &c., 428.

ADDITIONAL ARTICLE TO TREATY OF MAY 8, 1871, RESPECTING PLACES FOR HOLDING SESSIONS OF THE COMMISSIONERS UNDER THE TWELFTH ARTICLE THEREOF: *Concluded January 18, 1873; Ratification advised by Senate February 14, 1873; Ratified by the President February 28, 1873; Ratifications exchanged at Washington April 10, 1873; Proclaimed April 15, 1873.* (17 St. at. L., 947.)

Sessions of the commissioners may be held at such place within the United States as commissioners may prefer, 912.

PROTOCOL OF MARCH 10, 1873, RESPECTING THE NORTHWEST WATER-BOUNDARY, WITH DEFINITION OF BOUNDARY-LINE, AGREEABLY TO TREATY OF MAY 8, 1871, BETWEEN THE UNITED STATES AND GREAT BRITAIN.—912.

Boundary-line traced and marked on four charts, two copies of which to be retained by the United States and two by Great Britain, as a perpetual record of agreement as to boundary under 1st article of treaty of June 15, 1846, between the two Governments, 913.

PROTOCOL OF JUNE 7, 1873, RESPECTING THE TIME OF ARTICLES 18 TO 25 AND ARTICLE 30 OF THE TREATY OF MAY 8, 1871, BETWEEN THE UNITED STATES AND GREAT BRITAIN, GOING INTO EFFECT.—914.

Declaration that articles 18 to 25, inclusive, and article 30 of the treaty of May 8, 1871, to wit, articles respecting fisheries, &c., take effect on the 1st day of July, 1873.—914.

GREECE.

TREATY OF COMMERCE AND NAVIGATION : *Concluded December 10-22, 1837 ; Ratification advised by Senate March 26, 1838 ; Ratified by President April 12, 1838 ; Ratifications exchanged at London June 13-25, 1838 ; Proclaimed August 30, 1838.* (8 St. at L., 498.)

- (1) Ports of either party open to the other. Citizens of each party at liberty to reside in the territories of the other, 430 : (2) Tonnage duties, &c., to be on the footing of national vessels, 430 : (3) Vessels of the United States may import into Greece whatever Greek vessels may import ; reciprocal as to importation in Greek vessels, 431 : (4) Vessels of the United States may export from Greece whatever Greek vessels may export ; reciprocal as to exportations in Greek vessels from the United States, 431 : (5) Coasting trade excepted, 431 : (6) Neither party to grant any preference in its purchases to importations in its own vessels, or in the vessels of other nations, 432 : (7) No other or higher duties to be imposed than are imposed on vessels of other powers, except the reservations in the fifth article, 432 : (8) Prohibitions not to be imposed on the productions of either power, 432 : (9) All privileges of transit to become common, 432 : (10) Vessels of either party, entering the ports of the other, but not wishing to unload, may depart ; they must conform to custom-house regulations, 432 : (11) Vessels unloading part of their cargo may depart with the remainder without paying duties ; duties chargeable on vessels, where to be paid, 433 : (12) Consuls, &c. ; archives of consuls to be exempt from search ; consuls, &c., to judge and arbitrate in certain cases, 433 : (13) Consuls may require the assistance of local authorities for the arrest of deserters ; deserters, when arrested, how to be disposed of ; deserters guilty of a crime, 434 : (14) Aid to shipwrecked vessels, &c., 434 : (15) Regulations as to quarantine, 434 : (16) Regulations as to blockade, 435 : (17) Duration of the treaty to be for ten years, &c., 435 : (18) Ratifications to be exchanged within twelve months, 435.

GUATEMALA.

GENERAL CONVENTION OF PEACE, AMITY, COMMERCE, AND NAVIGATION : *Concluded March 3, 1849 ; Ratification advised by Senate September 24, 1850 ; Ratified by President November 14, 1850 ; Ratifications exchanged at Guatemala May 13, 1852 ; Proclaimed July 28, 1852.* (10 St. at L., 873.)

- (1) Peace and friendship, 436 : (2) "Most favored nation" clause, 436 : (3) Reciprocal rights of navigation and trade, 436 : Coasting trade excepted, 437 : (4) Privileges to the vessels of each nation, 437 : (5) Discriminating duties forbidden, 437 : On account of vessels, 437 : For other reasons, 437 : (6) Reciprocal privileges of citizens of either nation in the other, 437 : (7) Embargoes and detentions, without indemnity, forbidden, 438 : (8) Vessels in distress or pursued, 438 : (9) Property captured by pirates, 438 : (10) Wrecks, provisions in case of, 438 : (11) Real or personal property, relative to, 438 : (12) Protection of property, 439 : (13) Liberty of conscience ; burials, 439 : (14) Trade with enemies, 439 : Free ships ; free goods, 439 : (15) Neutral property in enemy's vessel, 440 : Contraband excepted, 440 : (16) Contraband articles, 440 : (17) Goods considered free, 440 : Blockade or siege, 440 : (18) Mode of proceeding when only part of goods are contraband, 441 : (19) Blockades and sieges, 441 : (20) Visitation and search, 441 : (21) Ships' papers in case of war, 441 : (22) Convoys, 442 : (23) Prize courts, 442 : (24) Commissions or letters of marque, 442 : (25) Case of war between contracting parties, 442 : (26) Debts, &c., in case of war, 443 : (27) Exemptions of envoys, &c., 443 : (28) Consuls and vice-consuls, 443 : (29) Consuls, &c., to exhibit commissions and receive an exequatur, 443 : (30) Consuls and their secretaries, 443 : (31) Deserters, 444 : (32) Consular convention, 444 : (33) Duration of treaty, 444 : Ratifications, 445.

HANOVER.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

TREATY OF COMMERCE AND NAVIGATION: *Concluded May 20, 1840; Ratification advised by Senate July 15, 1840; Ratified by President July 23, 1840; Ratifications exchanged at Berlin November 14, 1840; Proclaimed January 2, 1841.* (8 St. at L., 552.)

- (1) Reciprocal liberty of commerce and navigation; inhabitants of the respective countries to be allowed admission into the territories of the other; residence to be permitted; allowed to manage their business; free access to tribunals of justice, 446: (2) Duties to be the same as on national vessels; vessels to which this privilege extends; same duties on imports, whether in vessels of the United States or of Hanover; same duties on exports, 447: (3) Same duties on importation of certain articles, the growth of either party, &c.; exportations; all prohibitions shall be general, 447-448: (4) Coasting trade excepted, 448: (5) No preference of importations to be given, 448: (6) Consuls; their authority and privileges; consuls to judge and arbitrate cases; contending parties not to be deprived of their right to resort to the tribunals of their country on their return; consuls may require the aid of the local authorities to arrest deserters; deserters, how to be disposed of, 448: (7) Power to dispose of personal property; personal representatives may succeed to property by testament or *ab intestato*; possession to be had on payment of certain duties; care of property in the absence of representatives; in case of several claimants; in case of real estate, alien heirs to be allowed time to dispose thereof; effects of persons removing from their domicile to be exempt from duties, 449: (8) Right to wrecks abolished; assistance in case of shipwreck; salvage payable; duties in case of vessels unloading to repair; the cargo to be liable for storage on goods landed to repair vessels, 449: (9) The treaty to continue twelve years, and for one year after notice of either party of desire to terminate it, 450: (10) Ratifications to be exchanged in ten months; the signatures to the treaty in two languages not to be cited as a precedent, 450.

TREATY OF COMMERCE AND NAVIGATION: *Concluded June 10, 1846; Ratification advised by Senate January 6, 1847; Ratified by President January 8, 1847; Ratifications exchanged at Hanover March 5, 1847; Proclaimed April 24, 1847.* (9 St. at L., 857.)

- (1) Vessels of both nations placed on equal footing in regard to importation of foreign merchandise; tonnage toll, 451: (2) Coasting trade, 451: (3) No preference in purchases, 451: (4) Wrecks, in cases of, assistance to be rendered; repairs of vessels, 451-452: (5) To what vessels privileges of this treaty shall extend, 452: (6) No higher import or export duties on products of one country than the other, including fisheries, 452: (7) Favors to become common, 452: (8) Import and transit duties on raw cotton; Weser tolls, 453: (9) Rights of consuls; deserters, 454: (10) Rights of citizens or subjects of either party residing in the other, 454: (11) Duration of treaty; proviso as to increase of import duty on tobacco by Hanover, 455: (12) Privileges of this treaty may be extended to other states of the Germanic Confederation, 455: (13) Ratification, 455-456.

CONVENTION FOR EXTRADITION OF CRIMINALS: *Concluded January 18, 1855; Ratification advised by Senate March 3, 1855; Ratified by President March 8, 1855; Ratifications exchanged at London April 17, 1855; Proclaimed May 5, 1855.* (10 St. at L., 1138.)

- (1) For what crimes extradition may be demanded, 456: (2) Other Germanic states may accede to convention, 457: (3) Neither party bound to deliver up its own citizens, 457: (4) Criminal held for new crime committed in country to which he has fled, 457: (5) Duration of convention, 457: (6) Ratification, 457.

TREATY FOR THE ABOLITION OF THE STADE OR BRUNSHAUSEN DUES: *Concluded November 6, 1861; Ratification advised by Senate February 3, 1862; Ratified by President February 7, 1862; Ratifications exchanged at Berlin April 29, 1862; Proclaimed June 17, 1862.* (12 St. at L., 1187.)

- (1) Stade or Brunshausen dues abolished, 458: (2) Hanover to provide for free navigation of the Elbe, 459: (3) Indemnity, 459: (4) Terms of payment of indemnity, 459: (5) Execution of convention to be speedy and without form, 459: (6) Treaty of 1846 to remain in force; exception, 459: (7) Ratification, 459: Protocol, 460.

HANSEATIC REPUBLICS.

CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION: *Concluded December 20, 1827; Ratification advised by Senate January 7, 1828; Ratified by President; Ratifications exchanged at Washington June 2, 1828; Proclaimed June 2, 1828.* (8 St. at L., 366.)

- (1) Imports, 461: (2) No higher duties to be paid by either of the contracting parties than are paid by other powers, 462: (3) No priority or preference to be given by either party, 462: (4) What shall be vessels of Lubeck, Bremen, or Hamburg,

CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION, 1827—Continued.

462: (5) Vessels of the Hanseatic Republic coming to the United States, 463: (6) Merchants may manage their own affairs, submitting themselves to the laws, &c., 463: (7) Power to dispose of personal goods, 463: (8) Special protection to persons and property, 463: (9) Favors granted to other nations to be common to both parties, 464: (10) Convention to be in force for twelve years, 464: (11) To be ratified within nine months, 464.

ADDITIONAL ARTICLE TO THE CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION OF DECEMBER, 20, 1827: *Concluded June 4, 1828; Ratification advised by Senate December 29, 1828; Ratified by President; Ratifications exchanged at Washington January 14, 1829; Proclaimed January 14, 1829.* (8 St. at L., 386.)

Consuls, &c., authorized to arrest deserters, 465: Assistance to be afforded to consuls, 465: If a deserter has committed any offence, his surrender to be delayed, 465: This article to have the same force as if forming part of the convention of 1827; ratifications to be exchanged within nine months, 465.

CONVENTION FOR MUTUAL EXTENSION OF THE JURISDICTION OF CONSULS: *Concluded April 30, 1852; Ratification advised by Senate August 30, 1852; Ratified by President September 24, 1852; Ratifications exchanged at Washington February 25, 1853; Proclaimed June 6, 1853.* (10 St. at L., 961.)

(1) Consuls to act in disputes between masters and crews, 466: (2) Limitations of this convention, 466: (3) Ratification, 467.

HAWAIIAN ISLANDS.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, AND FOR EXTRADITION OF CRIMINALS: *Concluded December 20, 1849; Ratification advised by Senate January 14, 1850; Ratified by President February 4, 1850; Ratifications exchanged at Honolulu August 24, 1850; Proclaimed November 9, 1850.* (9 St. at L., 977.)

(1) Peace and amity, 468: (2) Reciprocal rights as to commerce, trade, duties, imports, 468: (3) Same subject, each party subject only to same export duties, 469: (4) Tonnage duties, 469: (5) Coasting trade, 469: (6) Steam-vessels carrying mails exempt from all duties, 469: (7) Whale-ships of the United States, privileges of, 470: (8) Privileges of citizens of the United States in Hawaii, and of Hawaiians in the United States, 470: (9) Right of citizens of one country as to trade, &c., 471: (10) Consuls; their status; favored-nation clause; deserters, 471: (11) Religious toleration, 472: (12) Wrecks; salvage, &c., 472: (13) Vessels driven into port by stress of weather, 472-473: (14) Extradition of criminals, 473: (15) Postal and mail arrangements, 473: (16) Duration of treaty ten years; twelve months' notice, 474: (17) Ratification, 474.

HAYTI.

TREATY OF AMITY, COMMERCE, AND NAVIGATION, AND FOR EXTRADITION OF CRIMINALS: *Concluded November 3, 1864; Ratification advised by Senate January 17, 1865; Ratified by President May 18, 1865; Ratifications exchanged at Washington May 22, 1865; Proclaimed July 6, 1865.* (13 St. at L., 711.)

(1) Peace and amity, 475: (2) Privileges of most favored nations, 475: (3) Case of war, 476: (4) Property not to be confiscated, 476: (5) Exemption from military duty, 476: (6) Rights of residence and business; privileges of courts, 476: (7) Inviolability of books and papers of citizens, 477: (8) Religious freedom, 477: (9) Personal property, right to dispose of, 477: (10) Imports, duties, tonnage, 477: (11) Exports, 478: (12) Coasting trade, 478: (13) Rates of duties; no prohibition on importation, 478: (14) Discriminating duties, 478: (15) Rights of asylum and refuge, 478: (16) Shipwreck; repairs, 479: (17) Ships not affected by ownership of merchandise on board, 479: (18) Rules as to blockade, 479: (19) Recognition of certain principles; free ships make free goods; property of neutrals not to be confiscated; extends to persons, except soldiers, 479-480: (20) Contraband of war, what to be considered, 480: (21) Goods not included in list of contraband, 480: (22) Merchant-ships in time of war, 480: (23) Neutral vessels, 480: (24) Search of vessels, 481: (25) Ships under convoy, 481: (26) Provisions as to captures, 482: (27) Care of captured property, 482: (28) Prize courts, 482: (29) Duties on prize ships and their captures, 482: (30) Foreign privateers, 483: (31) Letters of marque, 483: (32) Rights of diplomatic agents, 483: (33) Consuls and vice-consuls, 483: (34) Exequaturs, 483: (35) Consuls' taxes, 484: (36) Deserters, 484: (37) Consular convention, 484: (38) Fugitives from justice, 484: (39) Crimes for which surrender shall be made, 485: (40) Surrender to be made by Executive, 485: (41) Offences of a political character, no surrender for, 485: (42) Duration of treaty, 485: (43) Ratification, 485.

HESSE.

CONVENTION FOR ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION : *Concluded March 26, 1844 ; Ratification advised by Senate June 12, 1844 ; Ratified by President June 22, 1844 ; Ratifications exchanged at Berlin October 16, 1844 ; Time for exchange of ratifications extended to July 4, 1845, and exchange of them previous thereto declared regular by Senate January 13, 1845 ; Proclaimed May 8, 1845. (9 St. at L., 818.)*

- (1) Droit d'aubaine forever abolished, 486 : (2) Aliens, who, if citizens, would inherit real property, may sell the same and remove proceeds, 486 : (3) Aliens may take and dispose of personal property, 486 : (4) Property of absent heirs to be cared for same as the property of natives, 487 : (5) Disputes concerning inheritance, 487 : (6) Ratification, 487.

CONVENTION RELATIVE TO NATURALIZATION AND FOR EXTRADITION OF CRIMINALS : *Concluded August 1, 1868 ; Ratification advised by Senate April 12, 1869 ; Ratified by President April 18, 1869 ; Ratifications exchanged at Berlin July 23, 1869 ; Proclaimed August 31, 1869. (16 St. at L., 743.)*

- (1) When citizens of Grand Duchy of Hesse are to be treated as American citizens ; when American citizens are to be treated as citizens of the Grand Duchy of Hesse ; declaration of intent not to affect naturalization, 488 : (2) Naturalized citizens liable on return to their original country for offences committed before emigration, 488 : (3) Convention of 16th June, 1852, for the mutual extradition of fugitives from justice, not changed, 488 : (4) When naturalized citizens of either country shall be held to have renounced their naturalization, 489 ; When the intent not to return shall be held to exist, 489 : (5) When convention goes into effect and how long to continue, 489 ; (6) When to be ratified and ratifications exchanged ; execution, ratification, proclamation, 489.

HONDURAS.

TREATY OF AMITY, COMMERCE, AND NAVIGATION : *Concluded July 4, 1864 ; Ratification advised by Senate February 20, 1865 ; Ratified by President March 9, 1865 ; Ratifications exchanged at Tegucigalpa May 5, 1865 ; Proclaimed May 30, 1865. (13 St. at L., 699.)*

- (1) Peace and amity, 490 : (2) Reciprocal freedom of commerce, subject to laws ; ships of war and post-office packets of the two countries to enter harbors of either ; privilege of coasting trade not granted hereby, 491 : (3) Privileges of most favored nation granted, 491 : (4) Duties on imports and exports ; to be the same on goods carried in vessels of either country, 491 : (5) Tonnage, light, harbor, and salvage dues : (6) Bounties and drawbacks, 491 : (7) Rights of United States citizens in Honduras ; of citizens of Honduras in the United States ; courts of justice to be open equally for citizens of both countries, 492 : (8) Other privileges of citizens of both countries to be the same ; estates of persons deceased, 492-493 : (9) Exemption from compulsory military service, 493 : (10) Diplomatic agents and consuls, 493 : (11) Rights of citizens in case of war between the two countries, 493 : (12) Liberty of the person ; of religious belief ; rights of burial, 494 : (13) Certain articles of this treaty may be terminated after notice, 494 : (14) Honduras Inter-oceanic Railway Company to have right of transit, &c. ; sovereignty and property of Honduras in and over the line of road recognized and guaranteed ; protection and guaranty may be withdrawn, 494-495 : (15) Ratifications, where to be exchanged, 495.

ITALY.

CONVENTION RELATIVE TO RIGHTS, &c., OF CONSULS : *Concluded February 8, 1868 ; Ratification advised by Senate June 17, 1868 ; Ratified by President June 22, 1868 ; Ratifications exchanged at Washington September 17, 1868 ; Proclaimed February 23, 1869. (15 St. at L., 605.)*

- (1) Consuls-general, consuls, &c., to be received by each power in all its places, except, &c. ; reservation to apply alike to every other power, 496 : (2) Consular officers to receive exequatur free of charge, and effect thereof, 496 : (3) To be exempt from arrest, &c., except, &c., 496 : (4) If citizens, &c., of the state where they reside, they are liable to same charges as other citizens ; not to be compelled to appear as a witness before the courts ; their testimony, how to be obtained, in criminal cases, 496-497 : (5) May place over their doors the arms of their nation, and raise its flag, except, &c., 497 : (6) Consular offices and dwellings to be inviolate ; not to be used as places of asylum ; papers of consulate to be kept separate, if consular officers are engaged in other business, 497 : (7) Who to exercise their functions, in case of the absence or death of consular officers, 497 : (8) Consul-general and consuls may appoint vice-consuls ; who may be vice-

CONVENTION RELATIVE TO RIGHTS, &c., OF CONSULS, 1868—Continued.

consuls; their commissions and privileges, 497: (9) Consular officers may complain to the authorities of infractions of treaties or conventions; may take depositions, &c., 498: (10) Copies of papers authenticated by official seals, to be received as legal documents, 498: (11) Consular officers to have exclusive charge of the internal order of the merchant-vessels of their nation, &c.; courts of the country not to interfere; crews of vessels may be arrested, and how, and how released, 498: (12) Disputes between the officers of vessels and their passengers, to be determined in the circuit and district courts of the United States, 498-499: (13) Consular officers may arrest deserters from ships of war, or merchant-vessels; mode of procedure, 499: Aid and protection to be furnished; deserters not to be detained beyond three months, 499: (14) Damages suffered at sea by vessels to be settled by consular officers, if, &c., 499: (15) Salvage; no custom-house charges on saved merchandise, unless, &c., 499-500: (16) Death of citizens of either country in the territory of the other, 500: (17) This convention to be in force ten years, and one year longer if neither party give notice, &c., 500.

ADDITIONAL ARTICLE TO CONVENTION OF FEBRUARY 8, 1868, RELATIVE TO RIGHTS, &c., OF CONSULS: *Concluded January 21, 1869; Ratification advised by Senate February 16, 1869; Ratified by President February 24, 1869; Ratifications exchanged at Washington May 7, 1869; Proclaimed May 11, 1869.* (16 St. at L., 769.)

Time of ratification extended and ratification declared valid, 500.

CONVENTION FOR EXTRADITION OF CRIMINALS: *Concluded March 23, 1868; Ratification advised by Senate, with amendment, June 17, 1868; Ratified by President June 22, 1868; Ratifications exchanged at Washington September 17, 1868; Proclaimed September 30, 1868.* (15 St. at L., 629.)

- (1) Certain persons convicted or charged with certain crimes to be delivered up, 501: Evidence of criminality to be what, 501: (2) Enumerated crimes, 501: Murder and attempt to commit rape, arson, piracy, mutiny, burglary, robbery, embezzlement, forgery, counterfeiting, 502: (3) Political offences not included in treaty; persons surrendered not to be tried for old ordinary offences, 502: (4) Extradition of those under arrest for local offences may be deferred, 502: (5) Requisitions for extradition, how to be made; in cases of those convicted of crime; of those charged with crime, 502: (6) Expenses of arrest, &c., to be borne by the government in whose name the requisition is made, 502: (7) This convention to last for how long; when to be ratified, &c., 502-503.

ADDITIONAL ARTICLE TO CONVENTION OF MARCH 23, 1868, FOR EXTRADITION OF CRIMINALS: *Concluded January 21, 1869; Ratification advised by Senate February 16, 1869; Ratified by President February 23, 1869; Ratifications exchanged at Washington May 7, 1869; Proclaimed May 11, 1869.* (16 St. at L., 767.)

Embezzlement by persons hired or salaried, to the detriment of their employers, added to list of extradition crimes, 503.

TREATY OF COMMERCE AND NAVIGATION: *Concluded February 26, 1871; Ratification advised by Senate April 15, 1871; Ratified by President April 29, 1871; Ratifications exchanged at Washington November 18, 1871; Proclaimed November 23, 1871.* (17 St. at L., 845.)

- (1) Reciprocal liberty of commerce and navigation, 504: Rights and privileges of residence, 504: War-vessels to have favorable treatment, 504: (2) Right to travel and trade, 504: (3) Security to persons and property, 504: Exemption from compulsory military service, from office, and from forced contributions, 504: (4) No embargo or detention of vessels, &c., without indemnification, 504: Imports into the United States in Italian vessels and the duties thereon, 505: Into Italy in vessels of the United States and duties thereon, 505: Exports, bounties, duties, and drawbacks, 505: (6) No duties or charges to be imposed that do not equally extend to all other nations, 505: (7) Vessels of either country arriving in a port of the other may proceed to another port and discharge, but may not engage in coastwise navigation, 505: (8) Certain vessels exempt from tonnage, anchorage, and clearance duties, 505: What vessels not to be considered as engaging in trade, 506: What damaged goods to pay customs duties, 506: (9) Wrecked vessels to receive assistance, &c., 506: (10) Vessels may complete their crews, &c., 506: (11) Vessels, &c., captured by pirates and found within, &c., to be delivered to owners if claimed within one year, 506: (12) Private property, &c., in case of war to be exempt from seizure; this exemption not to extend to, &c., 506: (13) What to constitute a legal blockade, 507: (14) Vessels attempting in ignorance to enter a blockaded port, not to be detained, &c., unless, &c., 507: What indorsement on the vessel's papers, 507: In port when blockade is established, 507: (15) Contraband of war, what to be deemed, 507: (16) Citizens of either country may sail from any port and trade in the ports, &c., of those who are enemies of the other, &c., 508: Free ships to make free goods, contraband excepted, 508: And free persons excepted, 508: This privilege to extend only to what flags, 508: (17) United States vessels and Italian vessels, what to be

TREATY OF COMMERCE AND NAVIGATION, 1871—Continued.

deemed, 508: (18) Examination on the high seas of the merchant-vessels of one country by the war-vessels of the other, 508: (19) Vessels under convoy, 509: (20) Commanders of ships of war to be punished and to be liable in damages for outrages upon the persons or property of the citizens of the other country, 509: (21) In case of war, merchants to be allowed a certain time to arrange business and leave, 509: Who may continue their respective employments unmolested, 509: This article not to be annulled or suspended on any pretence, 509: (22) Property, real and personal, disposition of, 510: (23) Courts of justice to be open, 510: (24) Privileges of the most favored nation, 510: (25) This treaty to continue how long, 510: (26) And when to be ratified, 510.

JAPAN.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

TREATY OF PEACE AND AMITY: *Concluded March 31, 1854; Ratifications advised by Senate July 15, 1854; Ratified by President August 7, 1854; Ratifications exchanged at Simoda February 21, 1855; Proclaimed June 22, 1855.* (11 St. at L., 597.)

- (1) Peace to exist, 512: (2) Simoda and Hakodadd opened as ports for certain purposes, 512: (3) Provision for the case of wrecks, 512: (4) Provision for deliberation if other things are wanted, 513: (5) Trade permitted, 513: (6) Things wanted to be supplied by Japanese officers, 513: (7) Things wanted to be supplied by Japanese officers, 513: (8) Things wanted to be supplied by Japanese officers, 513: (9) Favors granted to other nations to be extended to the United States, 513: (10) No other ports to be resorted to except when in distress, &c., 513: (11) Consuls or agents may be appointed at Simoda, 514: (12) Ratification, how and when to be made, 514.

TREATY REGULATING INTERCOURSE OF AMERICAN CITIZENS WITH JAPAN, AND THE VALUE OF COIN THEREIN, AND GIVING THE AMERICAN CONSUL JURISDICTION AND PRIVILEGES IN CERTAIN CASES: *Concluded June 17, 1857; Ratification advised by Senate June 15, 1858; Proclaimed June 30, 1858.* (11 St. at L., 723.)

- (1) Port of Nangasaki to be open to American vessels, 514: (2) American citizens may reside at Simoda and Hakodade, 514: May be vice-consul at Hakodade; these provisions to take effect July 4, 1858, 514: (3) Relative value of Japanese and American coin in settlement of accounts, 515: Allowance for recoinage, 515: (4) Jurisdiction of offences in Japan by Americans on Japanese, 515: By Japanese on Americans, 515: How to be punished, 515: (5) Medium of exchange for supplies, &c., 515: (6) Rights of consul-general to go beyond certain limits, 515: Use of right to be delayed, 515: (7) Purchases for consul-general, how may be made and paid for, 515: (8) Dutch version of these articles to be taken to give the true meaning thereof, 515: (9) Treaty when to take effect, 515: (10) Signature in quintuplicate, 516: (11) Ratification and proclamation, 516.

TREATY OF AMITY AND COMMERCE: *Concluded July 29, 1858; Ratification advised by Senate December 15, 1858; Ratified by President April 12, 1860; Ratifications exchanged at Washington May 22, 1860; Proclaimed May 23, 1860.* (12 St. at L., 1051.)

- (1) Amity and friendship, 516: Diplomatic agent of United States may reside at Yedo, 516: Consuls, or consular agents, may reside at any open ports, 516: Diplomatic agent and consul-general may travel freely in any part of Japan, 516: Diplomatic agent and consuls of Japan in the United States, 516: (2) President of the United States, on request, to act as mediator between Japan and any European power, 517: United States ships of war to aid Japanese vessels on the high seas, 517: United States consuls to aid Japanese vessels in ports, 517: (3) Additional ports opened, 517: American citizens may reside therein, 517: Rules and regulations as to their residence, 517: Provisions as to residence of Americans in Yedo and Osaka, 517: Regulations of trade; these provisions to be made public by Japanese government, 517: Munitions of war, to whom only to be sold; rice and wheat not to be exported from Japan; supplies thereof to be sold to residents, and for ships' crews, &c., 517: Copper, surplus to be sold at auction by Japanese government, 517: Americans in Japan may employ Japanese servants, 517: (4) Duties, to be paid according to tariff, 518: Proceedings where there is a difference as to the value of duties; supplies for United States navy, 518: Opium, importation of, prohibited; provisions as to seizure and destruction thereof, 518: Imports on which duties are paid, may be transported without further tax, &c.; no higher duties than are fixed by this treaty, &c., 518: (5) Foreign coin to be current in Japan, 518: May be used in payments; to be exchanged for Japanese coin, &c.; coins, all except copper, may be exported; uncoined foreign gold and silver may be exported, 518: (6) Jurisdiction over offences, 518: Americans against Japanese, in consular courts, 519: Japanese against Americans, by local authorities, 519: Consular courts open to Japanese creditors; forfeitures and penalties for violation of treaty, 519: Neither government

TREATY OF AMITY AND COMMERCE, 1858—Continued.

to be responsible for debts of its citizens, 519 : (7) Limits of right to travel, &c., in opened harbors, 519 : What Americans shall lose right of permanent residence in Japan ; such persons to have reasonable time to settle their affairs, to be determined by American consul, 519 : (8) Americans in Japan to have religious freedom, 519 : Religious animosity not to be excited, 519 : (9) Japanese authorities, on request of consul, will arrest deserters and fugitives from justice, 520 : Will receive prisoners in jail, 520 : Consul to pay just compensation, 520 : (10) Japanese government may purchase or construct vessels of war, &c., in United States, 520 : May engage in the United States scientific men, &c., 520 : Their purchases may be exported, 520 : Except contraband of war, 520 : (11) Regulations appended make part of treaty, 520 : (12) Conflicting provisions of treaty of March 31, 1854, repealed, 520 : And of convention of June 17, 1857 ; rules may be made to carry this treaty into effect, 520 : (13) This treaty may be terminated after July 4, 1872, by either government, on a year's notice, 520 : Treaty, &c., subject to revision, 521 : (14) Treaty, when to take effect, 521 : Ratifications, how verified, 521 : Treaty executed in quadruplicate, 521 : Dutch version of treaty to be deemed the original, 521 : Signatures ; regulations for conducting American trade in Japan, 521 : At custom-house ; Japanese custom-house officers to be placed on board merchant-vessels, 522 : Unlading of goods, 522 : Fine for breaking locks and seals ; goods discharged without entry to be forfeited, 522 : Frauds on revenue, and attempts at fraud, how punished, 524 : Regulations as to goods to be landed ; certain supplies need not be entered ; as to clearance of vessels, &c. ; meaning of word "ship" in treaty or regulations, 524 : Tonnage duties not to be levied on American ships, 524 : Fees of custom-house authorities ; tariff of duties in Japan, 524 : Class one to be free ; class two to pay five per cent. ; class three to pay thirty-five per cent. ; class four to pay twenty per cent. ; duties on exports ; import and export duties may be revised and when, 524 : Ratifications exchanged, and proclamation, 525.

CONVENTION FOR REDUCTION OF IMPORT DUTIES : *Concluded January 28, 1864 ; Ratification advised by Senate February 21, 1866 ; Ratified by President April 9, 1866 ; Proclaimed April 9, 1866.* (14 St. at L., 655.)

- (1) Articles free of duty, 525 : (2) At reduced duty of five per cent. ; importation of opium prohibited, 525 : (3) Those importing and exporting to pay the duty, 525 : (4) Ratification, 525.

CONVENTION FOR PAYMENT OF \$3,000,000 TO THE GOVERNMENTS OF THE UNITED STATES, GREAT BRITAIN, FRANCE, AND HOLLAND, AS INDEMNITIES AND EXPENSES : *Concluded October 22, 1864 ; Ratification advised by Senate February 21, 1866 ; Ratified by President April 9, 1866 ; Proclaimed April 9, 1866.* (14 St. at L., 665.)

- (1) Damages to be paid the four treaty powers for hostile acts of the Prince of Nagato, &c. ; amount fixed at \$3,000,000, to include all claims, 526 : (2) To be payable quarterly in instalments of one-sixth, and when to begin, 526 : (3) The opening of a port in the Inland Sea may be accepted in lieu of payment of money, 526 : (4) The Tycoon to make the offer, and the treaty powers at their option may accept it, 526.

LEW CHEW.

COMPACT OF FRIENDSHIP AND COMMERCE : *Concluded July 11, 1854 ; Ratification advised by Senate March 3, 1855 ; Ratified by President March 9, 1855 ; Proclaimed March 9, 1855.* (10 St. at L., 1101.)

Trade allowed at Lew Chew, 528 : Trade, where to be carried on, 528 : Wrecks, 528 : Stipulations respecting conduct of Americans who land, 528 : Burial-ground, 528 : Pilots, 528 : Price of wood and water, 528.

LIBERIA.

TREATY OF COMMERCE AND NAVIGATION : *Concluded October 21, 1862 ; Ratification advised by Senate January 9, 1863 ; Ratified by President January 12, 1863 ; Ratifications exchanged at London February 17, 1863 ; Proclaimed March 18, 1863.* (12 St. at L., 1245.)

- (1) Peace and friendship, 529 : (2) Reciprocal freedom of commerce, 529 : (3) Tonnage, import, and other duties, 529 : (4) Goods in United States vessels not to be prohibited, &c., 530 : In Liberian vessels, 530 : (5) Vessels wrecked or damaged ; disputes as to salvage, 530 : (6) Privileges of most favored nation, 530 : (7) Consuls, 530 : (8) United States not to interfere with the domestic concerns of Liberia, 531 : (9) Ratifications, signature, exchange of ratifications, proclamation, 531.

MADAGASCAR.

TREATY OF COMMERCE: *Concluded February 14, 1867; Ratification advised by Senate January 20, 1868; Ratified by President January 24, 1868; Ratifications exchanged at Antananarivo July 8, 1868; Proclaimed October 1, 1868. (15 St. at L., 491.)*

- (1) Peace and friendship, 532: (2) Right of dominion and of domicile, 532: When any premises may be entered, 532: Religious worship, 532: Rights of persons and of property, 532: Contracts for land, how to be executed, 533: Trade, except in certain places, 533: (3) Commerce, tariff, 533: Prohibited imports and exports; no duties, &c., on vessels of either, greater than are imposed on vessels of the most favored nation, 533: Certain ports not to be entered by United States vessels, 533: (4) Consuls, their residences and privileges, 533: (5) Rights of citizens in each country when in the other country, 533: Civil rights and criminal offences, 533: Disputes, how to be settled, 534: (6) Regulations as to vessels; mutiny and desertion, 534: (7) Help in cases of shipwreck, 534: (8) Ratification, 534: Supplementary article, 534.

MECKLENBURG-SCHWERIN.

DECLARATION OF ACCESSION TO TREATY OF COMMERCE AND NAVIGATION WITH HANOVER OF JUNE 10, 1846: *Signed and exchanged December 9, 1847; Ratification advised by Senate May 18, 1848; Ratified by President May 20, 1848; Proclaimed August 2, 1848. (9 St. at L., 910.)*

- (1) Vessels of both parties placed on equal footing; port charges, 535-536: (2) Coasting trade, 536: (3) No priority or preference, 536: (4) Wrecks; salvage; repairs of vessel, 536: (5) What vessels privileges of treaty extend to, 537: (6) Duties, 537: (7) Favors to be common, 537: (8) Duty on raw cotton, and rice in husk; import duty on leaves; transit duty, 538: (9) Consuls, vice-consuls, their powers and jurisdiction; masters and crews; deserters, 538: (10) Rights and privileges of citizens of one power in territory of the other; property of absent heirs; heirs of real estate, 539: (11) Duration of treaty, 540.

DECLARATION OF ACCESSION TO CONVENTION OF JUNE 16, 1852, WITH PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION FOR EXTRADITION OF CRIMINALS, AND TO ADDITIONAL ARTICLE THERETO OF NOVEMBER 16, 1852: *Dated November 26, 1853; Proclaimed January 6, 1854.—915.*

MECKLENBURG-STRELITZ.

DECLARATION OF ACCESSION TO CONVENTION OF JUNE 16, 1852, WITH PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION FOR EXTRADITION OF CRIMINALS: *Dated December 2, 1853; Proclaimed January 26, 1854.—916.*

MEXICO.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]]

TREATY OF LIMITS: *Concluded January 12, 1828; Ratification advised by Senate April 4, 1832; Ratified by President; Ratifications exchanged at Washington April 5, 1832; Proclaimed April 5, 1832. (8 St. at L., 372.)*

- (1) Boundary the same as fixed by treaty of Washington, February 22, 1817, 542: (2) Boundary to begin on the Gulf of Mexico, and end on the South Sea, in latitude 42°; islands in the Sabine, &c., to belong to the United States, 542-543: (3) Commissioners to be appointed to run the line, 543: (4) Ratifications to be exchanged in four months, 543.

ADDITIONAL ARTICLE TO TREATY OF LIMITS OF JANUARY 12, 1828: *Concluded April 5, 1831; Ratification advised by Senate April 4, 1832; Ratified by President; Ratifications exchanged at Washington April 5, 1832; Proclaimed April 5, 1832. (8 St. at L., 376.)* Time of ratification extended, 544.

TREATY OF AMITY, COMMERCE, AND NAVIGATION: *Concluded April 5, 1831; Ratification advised by Senate March 23, 1832; Ratified by President; Ratifications exchanged at Washington April 5, 1832; Proclaimed April 5, 1832. (8 Stat. L., 410.)*

- (1) Peace and friendship between both nations, 545: (2) The footing of the most favored nation secured to both parties, 545: (3) Entry into the ports of each other, coasting trade excepted, 545: (4) Duties on the products of the parties; export duties and prohibitions, 545: (5) Tonnage duties the same on vessels of either party, 546: (6) Import duties; export duties, bounties, and drawbacks, 546: (7) Merchants, &c., put on the same footing in the ports of either party, 546: (8) Embargoes, detention, compensation for, 547: (9) Citizens of either party ex-

TREATY OF AMITY, COMMERCE, AND NAVIGATION, 1831—Continued.

empted from service in the army or navy, 547 : (10) Citizens seeking refuge in the ports of either party, 547 : (11) Delivery of vessels, &c., captured by pirates, 547 : (12) Shipwrecks, 547 : (13) Succession to personal estate, and disposal thereof, 548 : (14) Persons and property to be protected, 548 : (15) Security as to religion in Mexico ; in the United States, 548 : (16) Security to vessels sailing to or from enemies' ports ; free ships make free goods ; limitation of the principle, 548-549 : (17) Where neutral flag protects enemies' property, 549 : (18) Contraband goods excepted and defined, 549 : (19) Blockade defined, 550 : (20) Contraband liable to condemnation ; vessels not to be detained if contraband articles be delivered up, 550 : (21) Notice of blockade ; free egress allowed in certain cases, 550 : (22) Examination of vessels at sea, 550 : (23) Passports and sea-letters during war ; if not provided, vessels, &c., to be adjudged lawful prizes, 551 : (24) Vessels under convoy, 551 : (25) Prize courts, 551 : (26) In the event of war between the two countries, removal of property and persons to be allowed, 552 : (27) Immunities of merchants and public agents, 552 : (28) Consuls, 552 : (29) Deserters from vessels, 552-553 : (30) Arrest and detention of deserters, 553 : (31) A consular convention to be entered into, 553 : (32) Interior commerce, routes and escorts, 553 : (33) Indian hostilities to be prevented ; prisoners made by Indians to be liberated, 554 : (34) Points adjusted between the parties ; treaty in force for eight years ; harmony of the parties not to be interrupted by the acts of individuals ; demand of satisfaction to precede hostilities ; nothing in this treaty to operate contrary to treaties with other powers ; ratifications to be exchanged within one year, or earlier, 555 : Additional article, April 5, 1831, 555 : Substitution for the fifth and sixth articles of the treaty of April 5, 1831, 555 : Duties to be equal on the productions and manufactures of Mexico to those paid on like goods of other nations in the ports of the United States, 555 : Additional article ; fifth and sixth articles suspended, 555 : Substitute, 555. (8 St. at L., 428.)

SECOND ADDITIONAL ARTICLE TO TREATY OF LIMITS OF JANUARY 12, 1828 : *Concluded April 3, 1835 ; Ratification advised by Senate January 26, 1836 ; Ratified by President February 2, 1836 ; Ratifications exchanged at Washington April 20, 1836 ; Proclaimed April 21, 1836.* (8 St. at L., 464.)

Limits defined, 556 : Commissioners and surveyors, 556.

CONVENTION FOR ADJUSTMENT OF CLAIMS OF CITIZENS OF THE UNITED STATES ON MEXICO : *Concluded April 11, 1839 ; Ratification advised by Senate March 17, 1840 ; Ratified by President April 6, 1840 ; Ratifications exchanged at Washington April 7, 1840 ; Proclaimed April 8, 1840.* (8 St. at L., 526.)

- (1) Certain claims to be referred to a board of four commissioners ; manner of their appointment, 557 : (2) The board to have two secretaries, &c., 558 : (3) Meeting of the board, 558 : (4) Documents to be delivered to the board, 558 : (5) The commissioners to decide on the justice of the claims, 558 : (6) Mexico to be at liberty to issue treasury notes for the amount found due, 558 : (7) In case of difference between the commissioners as to the claims, the documents shall be referred to the King of Prussia, 559 : (8) The King of Prussia to be invited to appoint an umpire, 559 : (9) In case the King of Prussia declines to appoint an umpire, Her Britannic Majesty to be invited to appoint ; and in case she declines, the King of the Netherlands to be invited to appoint an umpire, 559 : (10) The decision of the umpire to be final, 560 : (11) Mexico to be exonerated from certain claims, 560 : (12) Compensation to the commissioners and their secretaries, 560 : (13) Ratifications to be exchanged within twelve months, 560.

CONVENTION FURTHER PROVIDING FOR PAYMENT OF AWARDS TO CLAIMANTS UNDER CONVENTION OF APRIL 11, 1839 : *Concluded January 30, 1843 ; Ratification advised by Senate March 2, 1843 ; Ratified by President ; Ratifications exchanged at Washington March 29, 1843 ; Proclaimed March 30, 1843.* (8 St. at L., 578.)

- (1) Mexico to pay all interest due on the 30th April, 1843, 561 : (2) Principal and interest to be paid in five years, 561 : (3) Payments to be made in the city of Mexico in gold or silver, 561 : (4) Mexico pledges the proceeds of direct taxes, 561 : (5) Mexico to pay two and a half per cent. on each payment to cover charges, 561 : (6) A new convention to be entered into for the settlement of all claims on Mexico, 561 : (7) Ratifications, 562.

TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT : *Concluded February 2, 1848 ; Ratification advised by Senate, with amendments, March 10, 1848 ; Ratified by President March 16, 1848 ; Ratifications exchanged at Queretaro May 30, 1848 ; Proclaimed July 4, 1848.* (9 St. at L., 922.)

- (1) Firm and universal peace to prevail between the two republics, 562 : (2) Convention to be entered into for the provisional suspension of hostilities, 563 : (3) Immediately upon the ratification of this treaty, blockade of the Mexican ports to cease, 563 : Troops of the United States to be withdrawn from the interior to certain points near the sea-coast, and evacuation of the interior to be completed with the least possible delay, 563 : Custom-houses to be delivered up to the

TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT, 1848—Continued.

Mexican authorities, &c., 563: An account to be made out of the amount of all duties collected by the United States after the ratification of this treaty by Mexico; the same, after deducting costs, to be paid over to the government of Mexico within three months after exchange of ratifications, 563: Evacuation of the capital of Mexico to be completed in one month, 563: (4) Prisoners on both sides to be restored, and Mexicans captives to Indian tribes within the limits of the United States to be rescued and returned to their country, 564: (5) Boundary-line to be run by a commissioner and surveyor, and to be religiously respected, 564-565: (6) Vessels of United States to have free passage by Gulf of California and river Colorado; how a road, canal, or railway may be run on a bank of the river Gila, 565-566: (7) Rivers Gila and Bravo del Norte may be navigated freely by both parties, and no tax thereon shall be levied without consent of both Governments, 566: (8) Mexicans established in territories ceded to the United States can remove or remain, retaining their property; all property to be inviolably respected, 566: (9) Mexicans remaining in the ceded territories may become citizens of the United States, 566-567: (11) Government of the United States to pass such laws as may be necessary to give effect to the foregoing stipulations, 567: (12) Amount of money to be paid to Mexico in consideration of the extension acquired by the boundaries of the United States, 568: (13) The United States also to assume and pay the amounts due on the claims liquidated against Mexico under the convention between the two governments, 568: (14) Mexican government discharged from all claims of citizens of the United States which have arisen previous to the signature of this treaty, 568: (15) The United States to make satisfaction for the same to an amount not exceeding three and a quarter millions of dollars, 568: Board of commissioners to be established to ascertain the validity of such claims, 569: Books, records, and documents in the possession of the government of Mexico necessary to the decision of any claim; how to be obtained from that government, 569: (16) Each party reserves the right to fortify any part of its territory, 569: (17) Treaty of 5th April, 1831, between the United States and Mexico, with certain exceptions, revived, 569: But may be terminated by either party's giving one year's notice, 569: (18) Supplies for the troops of the United States arriving in Mexico previous to the evacuation to be exempt from duty, 569: (19) Rules to be observed with respect to merchandise imported into Mexican ports whilst in the occupation of the forces of the United States, 570: Merchandise, &c., imported previous to the restoration of the custom-houses, exempt from confiscation, 570: The same exemption as to merchandise, &c., imported subsequently to the restoration of the custom-houses; but the same may be subject to payment of duties as provided for in the 29th article, 570: Merchandise, effects, &c., during continuance at place of importation, and upon leaving such place for the interior, exempt from duty, &c., 570: Merchandise, &c., removed to places in the interior whilst in the occupation of the troops of the United States, also exempt from duty, &c., 570: But merchandise, &c., removed to places not occupied by the forces of the United States may be subject to the payment of duties under Mexican laws, &c., 570: Owners of merchandise, &c., to have the right to reship the same free of duty, 571: Metals, and other property exported from Mexican ports whilst occupied by the forces of the United States previous to the restoration of the custom-houses, 571: (20) The tariff established by the United States at places occupied by their forces in Mexico to be in force for sixty days after the signature of this treaty, 571: (21) In case of disagreement between the governments of the two countries, mutual representations and pacific negotiations to be used to settle such differences, 571: (22) Rules to be observed in case war should break out, 571: Merchants to be allowed time to settle their affairs and collect their debts, and at the end of that time to have liberty to depart with their effects, 572: Upon the entrance of the armies of either republic into the territories of the other, women, children, ecclesiastics, &c., to be unmolested, 572: Their property to be respected, and if taken in case of necessity, to be paid for, 572: Churches, hospitals, schools, &c., to be respected, 572: Prisoners of war, their treatment, 572: The solemn covenant herein entered into not to be annulled on the pretence that war dissolves all treaties, 573: Treaty subject to ratification, and ratifications to be exchanged in four months from date of signature, 573: Protocol, 573: Articles referred to in the 15th Article of preceding treaty: Article 1, 574: Article 5, 575.

TREATY RELATIVE TO BOUNDARY, TRANSIT OF PERSONS, &c., ACROSS THE ISTHMUS OF TEHUANTEPEC: *Concluded December 30, 1853; Ratification advised by Senate, with amendments, April 25, 1854; Ratified by President June 29, 1854; Ratifications exchanged at Washington June 30, 1854; Proclaimed June 30, 1854.* (10 St. at L., 1031.)

- (1) Boundary between Mexico and the United States, lines to be surveyed and marked, 575: (2) Release of the obligations of Article XI of the treaty of Guadalupe

TREATY RELATIVE TO BOUNDARY, TRANSIT OF PERSONS, &C., ACROSS THE ISTHMUS OF TEHUANTEPEC, 1853—Continued.

Hidalgo, 576 : (3) Mexico to be paid ten million dollars; Articles VI and VII of the treaty of Guadalupe Hidalgo annulled, 576 : (4) Free passage through the Gulf of California, 577 : (5) How far Article VII of treaty of Guadalupe Hidalgo is to apply to the Rio Bravo del Norte, 577 : Articles VIII, IX, XVI, and XVII of the treaty of Guadalupe Hidalgo to apply to the country hereby ceded, 577 : (6) Grants of land by Mexico after September 25 not to be valid, 577 : (7) Provision in case of difficulties arising between the two nations, 577 : (8) Provisions respecting the road across the Isthmus of Tehuantepec, 578 : Transportation of mails and property across the isthmus, 578 : Port of entry to be opened, 578 : Transportation of troops and munitions of war, 578 : United States may protect the road, 578 : (9) Ratification, 578.

TREATY FOR EXTRADITION OF CRIMINALS: Concluded December 11, 1861; Ratification advised by Senate, with amendment, April 9, 1862; Ratified by President April 11, 1862; Ratifications exchanged at city of Mexico May 20, 1862; Proclaimed June 20, 1862. (12 St. at L., 1199.)

- (1) Persons accused of certain crimes to be given up, what proof required, 579 : (2) Crimes committed in frontier State of either nation, requisition how made, 579 : (3) Extradition crimes enumerated, 580 : (4) Surrender to be made only by Executive, except, 580 : (5) Expense of delivery, who pays, 580 : (6) Political offences not included; citizens not to be surrendered, 580 : (7) Duration of treaty, 581 : (8) Ratification, 581.

CONVENTION FOR ADJUSTMENT OF CLAIMS: Concluded July 4, 1868; Ratification advised by Senate July 25, 1868; Ratified by President January 25, 1869; Ratifications exchanged at Washington February 1, 1869; Proclaimed February 1, 1869. (15 St. at L., 679.)

- (1) Claims upon both countries to be submitted to the commissioners, 581 : Provision for the death, absence, &c., of either commissioner, 582 : Commissioners to meet in Washington within six months, 582 : Commissioners to name umpire, 582 : If they cannot agree on umpire, each to name a person, and it shall be decided by lot, in each case, which of the two shall act as umpire in that case, 582 : If umpire declines to act another may be named, 582 : Umpire to subscribe a solemn declaration, 582 : (2) Commissioners to proceed to investigate and decide claims, 582 : Mode of procedure, 582-583 : Umpire to be called in if, &c.; decision to be in writing, 583 : Decision to be final and conclusive and full effect to be given to it, 583 : No claim arising from any transaction prior to 1848 to be considered, 583 : (3) Claims to be presented within eight months of day of their first meeting, unless, &c., 583 : Time not to be extended for over three months longer, 583 : Commissioners to decide upon every claim within, &c., 583 : (4) The awards in favor of citizens of one country to be deducted from those in favor of citizens of the other country, and the balance, not exceeding \$300,000, to be paid within twelve months, 583 : (5) Commissioners to make a full and final settlement of all claims prior to ratification hereof, 584 : (6) Record to be kept; secretaries' salaries; whole expenses to be deducted from sums awarded, but not to exceed five per cent. thereof, 584 : (7) Ratification, 584.

CONVENTION RELATIVE TO NATURALIZATION: Concluded July 10, 1868; Ratification advised by Senate July 25, 1868; Ratified by President January 27, 1869; Ratifications exchanged at Washington February 1, 1869; Proclaimed February 1, 1869. (15 St. at L., 687.)

- (1) Citizens of one country naturalized in the other to be treated as citizens of such other country, 585 : Declaration of intention to become a citizen not to have the effect of naturalization, 585 : (2) Naturalized citizens returning to original country liable to trial and punishment for offences committed before emigration, saving limitations, &c., 585 : (3) Convention of December 11, 1861, for extradition of criminals to remain in full force, 585 : (4) Naturalization, how it may be renounced; when the intention not to return may be held to exist, 585-586 : (5) Duration of convention, when it shall take effect, 586 : (6) Ratifications, when to be exchanged, 586.

CONVENTION EXTENDING DURATION OF COMMISSION ON CLAIMS UNDER CONVENTION OF JULY 4, 1868: Concluded April 19, 1871; Ratification advised by Senate December 11, 1871; Ratified by President December 15, 1871; Ratifications exchanged at Washington February 8, 1872; Proclaimed February 8, 1872. (17 St. at L., 861.)

- (1) Duration of joint commission for settlement of claims extended one year, 587 : (2) Ratification, 587.

CONVENTION FOR FURTHER EXTENSION OF DURATION OF JOINT COMMISSION OF CLAIMS UNDER CONVENTION OF JULY 4, 1868: Concluded November 27, 1872; Ratification advised by Senate, with amendment, March 9, 1873; Ratified by President March 10, 1873; Ratifications exchanged at Washington July 17, 1873; Proclaimed July 24, 1873

- (1) Time of duration of commission extended two years, 917 : (2) Ratification, 917.

MOROCCO,

TREATY OF AMITY AND COMMERCE, AND ADDITIONAL ARTICLE: *Concluded January 25, 1787; Ratified by Congress July 18, 1787.* (8 St. at L., 100.)

- (1) Emperor's consent to the treaty, 589: (2) Neither party shall take commissions from the enemy of the other, 589: (3) Regulations in case of capture, 589: (4) Signal or pass to be given to vessels, 589: (5) How vessels shall be examined in time of war, 589: (6) Citizens of the United States captured, to be released, 589: (7) Vessels wanting supplies to be furnished, 589: (8) Provision in case of misfortune, 590: (9) Regulation in case of shipwreck and being forced into port, 590: (10) Vessels protected in certain cases, 590: (11) Privileges of vessels in case of war, 590: (12) Ships of war belonging to the United States not to be examined, 590: (13) Ships of war to be saluted, 590: (14) Commerce on the footing of the most favored nation, 590: (15) Privileges of merchants, 591: (16) In case of war, prisoners not to be enslaved, but exchanged, 591: (17) Merchants may buy and sell all goods except those prohibited to other Christian nations, 591: (18) Goods to be examined before sent on board, and not after, unless in case of fraud, 591: (19) Vessels not to be detained, 591: (20) How disputes shall be settled, 591: (21) How crimes shall be punished, 591: (22) How estates of deceased citizens shall be disposed of, 592: (23) Consuls and their privileges, 592: (24) Regulations in case of war, 592: (25) This treaty to be in force for fifty years, 592: Additional article, 593.

TREATY OF PEACE AND FRIENDSHIP: *Concluded September 16, 1836; Ratification advised by Senate January 17, 1837; Ratified by President January 23, 1837; Proclaimed January 30, 1837.* (8 St. at L., 484.)

- (1) Mutual agreement between the parties to the treaty, 594: (2) Neither party to take commissions from an enemy, 594: (3) Persons, &c., of one party captured in an enemy's vessel to be released, 594: (4) Vessels to have passports, 594: (5) Visits of vessels at sea, 594: (6) American citizens and effects to be restored, 594: (7) Vessels in port to be supplied with provisions, &c., 595: (8) No duty on vessels of the United States putting in for repair, 595: (9) Stranded vessels to be protected, 595: (10) Vessels engaged within gunshot of forts to be protected, 595: (11) Enemies' vessels not allowed to follow for twenty-four hours, 595: (12) Ships of war not to be examined in port, 595: (13) Salutes to be returned, 595: (14) American commerce on the most favored footing, 596: (15) Employment of interpreters, &c., 596: (16) Exchange of prisoners in case of war, 596: (17) No compulsion in buying or selling goods, 596: (18) No examination of goods on board, except where contraband is proved, 596: (19) No detention of vessels, 596: (20) Disputes between Americans, &c., to be decided by the consul, &c.; assistance to be rendered to the consul, 596: (21) Killing, &c., punished by the law of the country, 597: (22) Persons dying intestate, care of their effects to be taken, 597: (23) Residence of the consul to be where he thinks proper, and to be protected, 597: (24) No appeal to arms unless refusal of friendly arrangement; in case of war, nine months allowed to settle affairs, and to remove, 597: (25) Treaty to remain in force for fifty years, 597: Final ratification reserved for the President of the United States, 598.

CONVENTION BETWEEN THE UNITED STATES, AUSTRIA, BELGIUM, SPAIN, FRANCE, GREAT BRITAIN, ITALY, THE NETHERLANDS, PORTUGAL, AND SWEDEN, ON THE ONE PART, AND THE SULTAN OF MOROCCO, ON THE OTHER PART, CONCERNING THE ADMINISTRATION AND UPHOLDING OF THE LIGHT-HOUSE AT CAPE SPARTEL: *Concluded May 31, 1865; Ratification advised by Senate July 5, 1866; Ratified by President July 14, 1866; Proclaimed March 12, 1867.* (14 St. at L., 679.)

- (1) The direction of the light-house at Cape Spartel to devolve upon the representatives of the contracting powers, 599: (2) The expenses of management to be borne by the same parties, 600: (3) The Sultan to take his share, should he have a naval or commercial marine; to be at the expense of repairs and of reconstruction, if necessary; to furnish a guard for the security of the light-house, 600: (4) The contracting powers to respect the neutrality of the light-house, and to continue the contributions to support it, even in case of war; to establish the necessary regulations for the service and superintendence of the light-house, 600: (5) These articles not to be modified, except by common agreement between the contracting parties; this convention to continue in force ten years; to be continued further from year to year until due notice, &c., 600: (7) Ratifications to be exchanged at Tangier, 600.

MUSCAT.

TREATY OF AMITY AND COMMERCE: *Concluded September 21, 1833; Ratification advised by Senate June 23, 1834; Ratified by President; Ratifications exchanged at city of Muscat September 30, 1835; Proclaimed June 24, 1837.* (8 St. at L., 458.)

- (1) Perpetual peace between the two nations, 602: (2) Citizens of the United States may enter all the ports of the Sultan with their cargoes, and trade, &c., 602: (3)

TREATY OF AMITY AND COMMERCE, 1833—Continued.

Duties payable by vessels of the United States, 602: (4) Americans to pay no other duties than are paid by the most favored nation, 602: (5) Assistance in case of shipwreck, 603: (6) American citizens residing in the ports of the Sultan not to be taxed, 603: (7) Citizens of the United States taken by pirates to be set at liberty, 603: (8) Vessels of the Sultan in the ports of the United States to pay no higher duties than are paid by the most favored nation, 603: (9) Consuls may be appointed, 603: Final ratification reserved to the President of the United States, 604.

NASSAU.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

CONVENTION FOR ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION: *Concluded May 27, 1846; Ratification advised by Senate July 21, 1846; Ratified by President July 23, 1846; Ratifications exchanged at Berlin October 13, 1846; Proclaimed January 6, 1847.* (9 St. at L., 849.)

- (1) Droit d'aubaine hereby, and to remain, abolished, 605: (2) Heirs to real property allowed to sell and withdraw proceeds within two years, 605: (3) Citizens or subjects of either party may dispose of personal property by will or otherwise in the states of the other, 605: (4) Property of absent heirs to be taken care of, 606: (5) Disputes in relation to inheritance to be settled according to local laws, 606: (6) Stipulations of present convention to apply to property already inherited, 606: (7) Ratifications to be exchanged in twelve months, 606.

NETHERLANDS.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

TREATY OF AMITY AND COMMERCE: *Concluded October 8, 1782; Ratified by Congress January 23, 1783.* (8 St. at L., 32.)

- (1) Peace and friendship between the two nations, 607: (2) Subjects of the Netherlands to have the same privileges in the United States as the most favored nations, 608: (3) Citizens of the United States to have the same privileges in the United Netherlands as the most favored nations, 608: (4) Liberty of conscience secured to the citizens of each party in each other's dominions, 608: (5) Both parties to protect vessels of the other in their dominions; to restore them when captured, and to convoy them in certain cases, 608: (6) Citizens of either party may dispose of their estates by will or otherwise; regulations, 609: (7) Subjects of either party may employ such advocates as they think proper, 609: (8) Vessels not to be detained, 609: (9) Privileges of citizens in transacting business, 610: (10) Merchant-ships, if required, shall exhibit sea-letters, &c.; and if no contraband goods on board, shall pass, 610: (11) Mode of proceeding when contraband goods are on board, 610: (12) Goods found in an enemy's ship liable to confiscation, unless put on board before the declaration of war, or within six months, 611: (13) Vessels of war or privateers to do no injury to either party; if they do, reparation to be made, 611: (14) Captains of privateers to give security, 611: (15) Goods rescued from pirates to be restored, 611: (16) In case of shipwreck, relief to be afforded, 612: (17) Vessels driven in by stress of weather to be protected, 612: (18) In case of war, nine months to be allowed to citizens residing in the other's dominions to sell and transport their effects, 612: (19) Citizens of neither party to take commissions or letters of marque from powers at war with the other, 613: (20) Vessels coming on the coast, or entering the ports of either party, how to be treated, 613: (21) Consuls to be allowed in the ports of either party, 613: (22) This treaty not to derogate from any treaty with France, 613: (23) The United Netherlands to aid the United States in forming treaties with the Barbary powers, 613: (24) What goods shall be deemed contraband, 614: (25) Regulations respecting passports, 614: (26) How ships are to be treated when met by ships of war or privateers, 615: (27) Merchants and commanders of vessels may take into their service seamen and others belonging to either nation, 615: (28) The affair of refraction to be regulated in all equity and justice by magistrates, 615: (29) Ratification, 616.

CONVENTION CONCERNING VESSELS RECAPTURED: *Concluded October 8, 1782; Ratified by Congress January 23, 1783.* (8 St. at L., 50.)

- (1) When vessels of either nation shall be recaptured, how they shall be restored, 616: (2) When they shall belong to the captor, 616: (3) When recaptured by vessels of war they shall be restored, 617: (4) Restitution to be made in reasonable time, 617: (5) Vessels of war and privateers to be admitted with their prizes into the ports of both nations, 617: (6) Each nation may make regulations, 617.

TREATY OF COMMERCE AND NAVIGATION: *Concluded January 19, 1839; Ratification advised by Senate January 31, 1839; Ratified by President February 1, 1839; Ratifications exchanged at Washington May 23, 1839; Proclaimed May 24, 1839.* (8 St. at L., 524.)

- (1) Duties on goods imported or exported; bounties granted by either party to its own vessels to be granted to vessels of the other, 618: (2) Tonnage duties, &c., 618: (3) Privileges of consuls, 618: (4) What shall be considered national vessels, 619: (5) Assistance to shipwrecked vessels, 619: (6) This treaty to continue ten years, and further until twelve months' notice of a desire to terminate it, 619: (7) Ratifications to be exchanged in six months, 619.

CONVENTION ADDITIONAL TO TREATY OF COMMERCE AND NAVIGATION OF JANUARY 19, 1839: *Concluded August 26, 1852; Ratification advised by Senate February 17, 1853; Ratified by President February 21, 1853; Ratifications exchanged at Washington February 23, 1853; Proclaimed February 26, 1853.* (10 St. at L., 982.)

- (1) Provisions respecting duties, 620: (2) Bounties, drawbacks, &c.; reciprocity to extend to colonies, 620: (3) Tonnage, &c., duties, 620: (4) Coasting trade and fisheries excepted, their disposition, 621: (5) Discriminating duties in favor of certain trade may be imposed, 621: (6) Duration of treaty, 621: (7) Ratification, 622.

CONVENTION RELATIVE TO CONSULS OF THE UNITED STATES IN DUTCH COLONIES: *Concluded January 22, 1855; Ratification advised by Senate March 3, 1855; Ratified by President March 5, 1855; Ratifications exchanged at Washington May 25, 1855; Proclaimed May 26, 1855.* (10 St. at L., 1150.)

- (1) American consuls, admission to colonies of the Netherlands, 622: (2) Their powers and office; to be subject to the laws, 622: (3) Their commissions to be presented; exequaturs, 623: (4) Inscription on their offices not to give the right of asylum, 623: (5) Inviolability of archives, 623: (6) Consuls not to have diplomatic power except, 623: (7) Vice-consuls, 623-624: (8) Passports and their effects, 624: (9) Wrecks, 624: (10) Reclamation of deserters from vessels, 624: (11) Estates of deceased persons, 625: (12) Settlement of disputes between masters and crews, 625: (13) Liability of consuls to local taxes, services, &c., 625: (14) Most favored nation claim extended to privileges to consuls, 625: (15) Duration of convention, 626.

NICARAGUA.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION: *Concluded June 21, 1867; Ratification advised by Senate January 20, 1868; Ratified by President February 7, 1868; Ratifications exchanged at city of Granada June 20, 1868; Proclaimed August 13, 1868.* (15 St. at L., 549.)

- (1) Peace and friendship, 627: (2) Freedom of commerce, coasting trade, 627: (3) Rights of most favored nations, 628: (4) Duties on imports; no imports or exports to be prohibited, except such as are prohibited to all nations, 628: (5) Tonnage duties, harbor dues, &c., 628: (6) Duties on imports to be the same in vessels of either country, 629: (7) Rights of citizens of each country in the territory of the other, 629: (8) Protection to persons and property, 629: Commerce; succession to personal estate and disposal of personal property; real estate, 630: (9) Intermarriage and holding property not to change national character; exemption from compulsory military service and contributions; private property not to be taken for public use without payment in advance; freedom of travel and intercourse, 630: (10) Consuls, recognition, residence, privileges, and immunities, 631: (11) In case unfriendly relations arise, citizens may remove property, 631: (12) Rights of residents, citizens of the other country, 631: (13) Refuge and asylum, 632: (14) Right of transit between the Atlantic and Pacific Oceans, 632: (15) Neutrality of the routes to be guaranteed; one free port at each extremity of the route; no tonnage or other duties at; conveyance of troops, tolls, &c., 632: (16) Protection of persons and property on transit routes, 633: The United States may protect these routes by force; authority to be exercised in pursuance of laws of Congress, 633: (17) Protection by the United States may be withdrawn, 633: (18) Rights of citizens of the United States to be preserved, 634: (19) Dividends in any company that may build railroad, &c., 634: (20) Treaty to remain in force fifteen years, 634: (21) Ratification, 634.

CONVENTION FOR EXTRADITION OF CRIMINALS: *Concluded June 25, 1870; Ratification advised by Senate, with amendments, March 31, 1871; Ratified by President April 11, 1871; Ratifications exchanged at Managua June 24, 1871; Proclaimed September 19, 1871.* (17 St. at L., 815.)

- (1) Persons convicted of, or charged with, certain crimes in the jurisdiction of one party, and found in the territory of the other, to be surrendered upon requisition, 635: What to be sufficient evidence of criminality, 635: (2) Crimes in respect to which requisitions may be made, 635: (3) Political offences not

CONVENTION FOR EXTRADITION OF CRIMINALS, 1870—Continued.

included, 636: (4) Extradition may be deferred, if person claimed has been convicted or arrested in the country of refuge, until, &c., 636: (5) Requisitions for surrender, how to be made; proof required; warrant for arrest, &c., 636: (6) Expenses of the arrest, detention, and transportation, 636: (7) Convention to continue how long; when to be ratified, &c., 637.

NORTH GERMAN UNION.

CONVENTION RELATIVE TO NATURALIZATION: *Concluded February 22, 1868; Ratification advised by Senate, with amendment, March 26, 1868; Ratified by President March 30, 1868; Ratifications exchanged at Berlin May 9, 1868; Proclaimed May 27, 1868.* (15 St. at L., 615.)

- (1) Naturalization, what considered to constitute, 638: (2) Naturalized citizens liable for offences committed before naturalization, 638: (3) Extradition convention of June 16, 1852, extended to all States of North German Confederation, 639: (4) Naturalization, how renounced, 639: (5) Duration of convention, 639: (6) Ratifications, 639: Protocol to treaty, 639.

OLDENBURG.

DECLARATION OF ACCESSION TO TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND HANOVER OF JUNE 10, 1846: *Signed and exchanged March 10, 1847.—641.* (9 St. at L., 868.)

DECLARATION OF ACCESSION TO CONVENTION OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, FOR EXTRADITION OF CRIMINALS: *Dated December 30, 1853; Proclaimed March 21, 1854.—917.*

ORANGE FREE STATE.

CONVENTION OF FRIENDSHIP, COMMERCE, AND EXTRADITION: *Concluded December 22, 1871; Ratification advised by Senate April 24, 1872; Ratified by President April 27, 1872; Ratified by Volkeraad of Orange Free State May 10, 1872; Ratifications exchanged at Washington August 18, 1873; Proclaimed August 23, 1873.*

- (1) Citizens to be admitted and treated upon a footing of equality; but this not to include political rights, 918: (2) Exemption from military service; citizens of one country residing in the other not to pay higher imports than those of the other, and to be on an equal footing with respect to indemnities for damages, 918: (3) Citizens of either country may dispose of their personal property in the other and inherit such property; real estate falling in one country to a citizen of the other may be sold, and proceeds thereof be withdrawn and exported without paying charges other than those paid by an inhabitant of the country in which it may be situated, 918: (4) Disputes respecting property shall be decided according to the laws of the country in which the property is situated, 919: (5) Consuls of both countries to have privileges of most favored nation; exequaturs of offending consuls may be withdrawn, &c.; archives of consulates inviolable, 919: (6) Equality of duties, 919: (7) Favors in commerce if granted to any nation to be enjoyed by the other party, 919: (8) Persons accused of a crime named in following article to be given up if the crime be so proven as to justify their commitment if it had taken place in the country where the accused person is, 919: (9) Persons to be delivered up must be charged with one of the specified crimes, 919: (10) Surrender to be made by the Executives of the countries, 919: (11) Expense of detention and delivery to be paid by party making the demand, 919: (12) Not to apply to future crimes or to political offences, 919: (13) Duration of convention, 919: (14) Ratifications, 920.

OTTOMAN PORTE.

TREATY OF COMMERCE AND NAVIGATION: *Concluded May 7, 1830; Ratification advised by Senate, February 1, 1831; Ratified by President February 2, 1831; Ratifications exchanged at Constantinople, October 5, 1831; Proclaimed February 4, 1832.* (8 St. at L., 403.)

- (1) Merchants of the parties put, as to duties, on the footing of the most favored nation, 643: (2) Consuls, 643: (3) Employment of brokers; visit of American vessels, 644: (4) Settlement of disputes between the subjects and citizens of the parties, 644: (5) The United States flag to be respected; not to be lent to others, 644: (6) Vessels of war shall exhibit towards each other courteous conduct, and the same towards merchant-vessels, 644: (7) Vessels of the United States shall have the privilege to pass the Dardanelles, 644: (8) Vessels of either party shall not be impressed, 645: (9) Wrecks; exchange of ratifications, 645

TREATY OF COMMERCE AND NAVIGATION: *Concluded February 25, 1862; Ratification advised by Senate April 9, 1862; Ratified by President April 18, 1862; Ratifications exchanged at Constantinople June 5, 1862; Proclaimed July 2, 1862.* (13 St. at L., 609.)

- (1) Privileges of former treaties confirmed, except, &c., 646: Rights of most favored nations, 646: (2) Citizens of United States may make purchases in the Ottoman Empire, 646: Permits from local governors abolished, 646: (3) Duties on articles of Ottoman produce, 646: Prohibitions not to be imposed, except, &c., 647: (4) Export duty of eight per cent., 646: To be reduced one per cent. annually, 647: (5) Import duties, 647: Prohibitions, &c., 647: (6) Articles for Moldo-Wallachia or Servia, duty on, 648: For other ports of Ottoman Empire, 648: (7) Warehousing, bounties, drawbacks, &c., 648: (8) Imports in vessels of either country to be charged same duty, 648: Same rules as to exports, 648: (9) Tonnage, harbor, light-house, &c., duties, 649: (10) What to be deemed vessels of the United States, and what Ottoman vessels, 649: (11) Products, &c., of the United States passing through the Dardanelles or Bosphorus, to be free of duty, 649: (12) Transit duty to be reduced, 649: Frands, 650: (13) Taxes upon, and rights of, citizens of United States, 650: (14) Tobacco and salt, 650: Duties upon traders in, 650: No export duty upon, 650: Regulations as to exportation of, 650: (15) Gunpowder, arms, &c., importation of, 650: Certain articles exempt from stipulations, 651: (16) Finances, 651: (17) Manifests, 651: (18) Contraband goods, 651: (19) Subjects, vessels, and merchandise of Sublime Porte in United States, 651: (20) Present treaty to be substituted for convention between Sublime Porte and Great Britain, 651: To continue in force twenty-eight years, 651: To be executed in all the provinces of Ottoman Empire, 652: (21) Treaty to be construed fairly, 652: (22) Tariff of custom-house duties, 652: To remain in force seven years, 652: How and when may be revised, 652: (23) Ratifications, 652.

PARAGUAY.

CONVENTION FOR SETTLEMENT OF CLAIMS OF THE "UNITED STATES AND PARAGUAY NAVIGATION COMPANY:" *Concluded February 4, 1859; Ratification advised by Senate February 16, 1860; Ratified by President March 7, 1860; Ratifications exchanged at Washington March 7, 1860; Proclaimed March 12, 1860.* (12 St. at L., 1087.)

- (1) Claims of the "United States and Paraguay Navigation Company" to be settled, 653: (2) Commission to adjust claims, 653: Commissioners, how appointed, 654: Umpire, 654: (3) Oath, how to be taken, 654: (4) When to meet and how long to continue in session, 654: (5) Paraguay to pay any award of commissioners in favor of said company, 654: (6) Payment of commissioners and umpire, 654: (7) Ratifications, 654.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION: *Concluded February 4, 1859; Ratification advised by Senate February 27, 1860; Ratified by President March 7, 1860; Ratifications exchanged at Washington March 7, 1860; Proclaimed March 12, 1860.* (12 St. at L., 1091.)

- (1) Amity, peace, &c., 655: (2) Free navigation of the Paraguay, 655: Privileges of citizens of United States in Paraguay, 656: Privileges of citizens of Paraguay in United States, 656: (3) Privileges of most favored nation, each to have, 656: (4) Duties, 656: No prohibition on exports or imports, 656: (5) Tonnage, light, or harbor dues, &c., 656: (6) Imports, duty the same whether in vessels of United States or Paraguay, 656: (7) What are vessels of United States, and what of Paraguay, 657: (8) Import and export duties, 657: (9) Privileges of merchants, citizens, &c., of each country in territory of the other, 657: Citizens of each country to be protected in person and property, 657: (10) Case of the death of citizen of one country in the other, 658: (11) Compulsory military service, 658: (12) Consuls, privileges of, 658: (13) War, provisions in case of, 658: (14) Citizens of either country in territory of the other, 659: Religious liberty, 659: Rights of burial and worship, 659: (15) Duration of this convention, 659: Notice on the part of Paraguay, 659: (16) Ratifications, 659.

PERSIA.

TREATY OF FRIENDSHIP AND COMMERCE: *Concluded December 13, 1856; Ratification advised by Senate March 10, 1857; Ratified by President March 12, 1857; Ratifications exchanged at Constantinople June 13, 1857; Proclaimed August 18, 1857.* (11 St. at L., 709.)

- (1) Amity, sincere and constant, 660: (2) Ambassadors, &c., treatment of, 660: (3) Resident citizens of either country in the other, to be protected, 660: May engage in commerce, 661: (4) Duties on imports and exports, 661: (5) Disputes between subjects of Persia and citizens of United States, 661: Criminal offences, 661: (6) Effects, &c., of citizens of either country dying in other, 661: (7) Diplomatic agent and consuls, 662: Privileges of, 662: (8) Duration of treaty, 662: Ratifications, 662.

PERU-BOLIVIA.

GENERAL CONVENTION OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION: *Concluded November 30, 1836; Ratification advised by Senate October 10, 1837; Ratified by President October 14, 1837; Ratifications exchanged at Lima May 28, 1838; Proclaimed October 3, 1838.* (8 St. at L., 487.)

- (1) Firm and inviolable peace, 663: (2) Favors granted to other nations shall become common to both nations, 663: (3) Citizens placed on the footing of the most favored nation with regard to commerce and navigation; coasting trade excepted, 663: (4) Merchants and others to manage their own business; citizens of neither party liable to embargo, &c., 664: (5) Protection of citizens of either party, seeking refuge in the dominions of the other, 664: (6) Vessels captured by pirates to be restored, 664: (7) Assistance in case of wreck, 665: (8) Power to dispose of personal estate and real estate by testament, &c., 665: (9) Protection of persons and property; rights of citizens to be enjoyed unless constitutionally withdrawn, 665: (10) Liberty of conscience secured; rites of burial, 666: (11) Citizens of both parties to have a right to trade with the enemies of the other; free ships to make free goods, contraband of war excepted; proviso, 666: (12) Qualification of the principle as to neutral property, 666: (13) Liberty of commerce and navigation to extend to all goods except contraband; specification of articles which shall be deemed contraband, 667: (14) All kinds of merchandise except contraband, free, 667: (15) Contraband goods, only, liable to confiscation; vessels not to be detained unless the articles are so great, &c., that they cannot be removed on board the capturing vessel, 667: (16) Blockade, 667: (17) Regulation of visits at sea, 668: (18) In case of war, vessels to be provided with sea-letters; if not so provided, may be adjudged lawful prize, 668: (19) Vessels under convoy not to be subject to examination, 669: (20) Prize courts only to take cognizance of prizes, 669: (21) Citizens of either party not to engage in privateering against the other, 669: (22) In the event of war between the parties, the citizens of either nation may remain, &c.; if suspected of mal-practices, may be ordered to depart; exceptions, 669: (23) Property of citizens not to be sequestered, 670: (24) Immunities of public agents, 670: (25) Consuls, 670: (26) Consuls to exhibit their commissions, 670: (27) Privileges of consuls; consular archives to be inviolable, 671: (28) Consuls may require assistance; deserters, how to be disposed of, 671: (29) Consular convention to be framed, 671: (30) Duration of the treaty; citizens liable for violations of this treaty; war not to be declared until redress has been demanded; other treaties not to be affected by this; ratifications to be exchanged within eighteen months, 671.

PERU.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

CONVENTION FOR ADJUSTMENT OF CLAIMS OF CERTAIN CITIZENS OF THE UNITED STATES: *Concluded March 17, 1841; Ratification advised by Senate January 5, 1843; Ratified by President January 12, 1843; Ratifications exchanged at Lima July 22, 1843; Proclaimed February 21, 1844; Modification consented to and time for effective exchange of ratifications extended by Senate May 29, 1846; Ratifications exchanged a second time, at Lima, October 31, 1846; Proclaimed finally January 8, 1847.* (9 St. at L., 815.)

- (1) Peru to pay the United States \$300,000, 673: (2) To be paid in ten annual instalments, 674: (3) Interest at the rate of 4 per cent., 674: (4) To be paid in hard dollars, 674: (5) No further demand for claims to be presented by S. Larned; claims subsequent to those presented by Mr. Larned to the government of Peru to be examined, 674: (6) Optional with Peru to pay with orders on the custom-house at Callao, 674: (7) To be ratified within two years, 674.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION: *Concluded July 26, 1851; Ratification advised by Senate June 23, 1852; Ratified by President July 16, 1852; Ratifications exchanged at Washington July 16, 1852; Proclaimed July 19, 1852.* (10 St. at L., 926.)

- (1) State of amity, 675: (2) Reciprocal freedom of commerce, 675: (3) Each nation to stand on the footing of the "most favored nation," 676: (4) Discriminating duties on vessels of 200 or more tons forbidden, 676: (5) Discriminating duties on goods, on account of the national character of the vessel, forbidden, 676: (6) On goods forbidden, 677: (7) Provision against discriminating duties, 677: (8) Augmentations of duties, when to take effect, 677: (9) Regulations of coasting trade, 677: (10) Provisions respecting steam-vessels, 677: (11) Definition of "Peruvian" vessel, 678: (12) Provisions respecting whale-ships, 678: (13) Commercial provisions, 678: (14) Privileges of Peruvian citizens in California mines, 679: (15) Right to dispose of and inherit property, 679: (16) Provisions for the case of wrecks, &c., 679: (17) Same subject, 679: (18) Property captured from pirates, to be restored, 680: (19) Personal rights of citizens of either nation in

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, 1851—Continued.

the other, 680: (20) Liberty of conscience, burials, 680: (21) Trade with enemies, 680: Free ships to make free goods; exception of nations not recognizing this principle, 680: (22) Neutral goods in enemies' vessels, 681: Exception of contraband, 681: (23) Definition of contraband, 681: (24) Exception of siege and blockade, 681: (25) Provisions for the case of free among contraband goods, 682: (26) Provisions respecting blockade, 682: (27) Right of visitation and search regulated, 682: Convoy excepted, 682: (28) Ship's papers in case of war, 683: (29) Vessels under convoy, 683: (30) Trial of prize cases, 683: (31) Citizens accepting commissions, or letters of marque, against the other, may be treated as pirates, 684: (32) Provisions in case of war between the two nations, 684: (33) Rights to property, 684: Personal rights; debts, &c., not confiscated, 684: (34) Envoys, &c., to enjoy favors, &c., of those of most favored nation, 684: (35) Consuls and vice-consuls may be appointed, 685: Particular places may be excepted, 685: To take out an exequatur; to have rights, &c., of those of the "most favored nation," 685: To take charge of estates of deceased persons, 685: (36) Exemptions of, 685: Archives and papers of, to be inviolate, 685: (37) Deserters, reclamation of, 685: (38) Consular convention to be formed, 686: (39) In case of death of citizen of one country in other, 686: (40) Treaty, how long to remain in force, 686: Acts of individuals not to disturb amity, 687: War not to be declared for violations of this treaty till redress is demanded, 687: Treaty not to contravene former treaties with other nations, 687: Exchange of ratifications, 687.

CONVENTION RELATIVE TO RIGHTS OF NEUTRALS AT SEA: *Concluded July 22, 1856; Ratification advised by Senate March 12, 1857; Ratified by President October 2, 1857; Ratifications exchanged at Washington October 31, 1857; Proclaimed November 2, 1857.* (11 St. at L., 695.)

- (1) Rights of neutrals at sea, 688: (2) Article 22 of former treaty of July 26, 1851, annulled, 688: (3) Application and extension of Article 1, 688: (4) Nations acceding to rules shall enjoy the resulting rights, 688: (5) Ratifications, 689.

CONVENTION INTERPRETING TWELFTH ARTICLE OF TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION OF JULY 26, 1851: *Concluded July 4, 1857; Ratification advised by Senate April 30, 1858; Ratified by President May 7, 1858; Ratifications exchanged at Washington October 13, 1858; Proclaimed October 14, 1858.* (11 St. at L., 725.)

- (1) Extent of exemption of whale-ships from duty, 690: (2) Articles exempted, 690: (3) Enumerated articles to the value of \$500 free of duty, 690: (4) Force and effect of stipulations in this convention, 691: Signatures, 691.

CONVENTION RESPECTING THE VESSELS "LIZZIE THOMPSON" AND "GEORGIANNA:" *Concluded December 20, 1862; Ratification advised by Senate February 18, 1863; Ratified by President February 24, 1863; Ratifications exchanged at Lima April 21, 1863; Proclaimed May 19, 1863.* (13 St. at L., 635.)

- (1) King of Belgium to be arbiter, 692: (2) King of Belgium to be properly solicited to act as arbiter, 692: Papers to be submitted to him, 692: (3) Documents, &c., to be submitted within six months, 692: (4) Decision of arbiter to be final, 692: (5) Ratifications, 692.

CONVENTION FOR MUTUAL ADJUSTMENT OF CLAIMS: *Concluded January 12, 1863; Ratification advised by Senate, with amendments, February 18, 1863; Ratified by President February 24, 1863; Ratifications exchanged at Lima April 18, 1863; Proclaimed May 19, 1863.* (13 St. at L., 639.)

- (1) Claims against Peru to be referred to a mixed commission, 693: Number and appointment of commissioners, 693: Vacancies, 693: (2) Commissioners to name an umpire, 693: (3) To meet in Lima, 693: To take and subscribe oath, 693: Oath of umpire, 694: (4) To examine claims, mode of procedure, 694: Papers to be furnished, 694: (5) Decision to be final, 694: Agreement of three commissioners sufficient, 694: (6) Each party shall execute decree without appeal, 694: Payments, interest, &c., 694: (7) Secretary of commission, 694: Rules of business, 694: (8) Decisions, 694: Commission, when to end, 694: Umpire's decision, 695: (9) Expenses of commissioners, umpire, &c., 695: (10) Ratifications, 695.

CONVENTION FOR ADJUSTMENT OF CLAIMS: *Concluded December 4, 1868; Ratification advised by Senate April 15, 1869; Ratified by President May 3, 1869; Ratifications exchanged at Lima June 4, 1869; Proclaimed July 6, 1869.* (16 St. at L., 751.)

- (1) Certain claims upon the two governments to be referred to two commissioners, 696: Commissioners, how appointed, 696: Vacancies, 696: To meet at Lima, 696: To subscribe a declaration, 696: Declaration to be entered on record, 696: Umpire, provisions as to choice of, 696: (2) Claims, forthwith investigation of, 696: Decisions to be final, 697: (3) All claims to be presented within two months from first meeting of commissioners, unless, &c., 697: (4) Time within which claims must be paid, 697: (5) Commission to be final settlement of all claims, &c., prior to exchange of ratifications, 697: (6) Salaries of commissioners, umpire, &c., 698: (7) Convention, when to be ratified, 698: (8) This convention not to be a precedent as to future claims, 698: Execution, 698.

PORTUGAL.

TREATY OF COMMERCE AND NAVIGATION: *Concluded August 26, 1840; Ratification advised by Senate February 3, 1841; Ratified by President April 23, 1841; Ratifications exchanged at Washington April 23, 1841; Proclaimed April 24, 1841.* (8 St. at L., 560.)

- (1) Reciprocal liberty of commerce and navigation; liberty of residents secured, 699: (2) Vessels of either party arriving in the ports of the other, put on the footing of national vessels, 699: (3) No other or higher duties to be imposed on importations, &c.; all prohibitions to be general; no other or higher duties imposed on exportations to the United States than payable on exportations to other countries; this stipulation not to interfere with the special stipulation entered into with France by the United States, 700: (4) Same duties on importations, &c., in vessels of either party, 700: (5) Favors granted by either party to other nations, to become common, 700: (6) No higher or other duties on exportations, &c., than are paid by national vessels; bounties, &c., the same, in vessels of either party, 701: (7) Coasting trade excepted, 701: (8) The foregoing stipulations not to be applicable to certain ports; said ports, &c., when opened to any foreign nation, to be open to the United States, 701: (9) Protection to vessels seeking refuge or asylum, in the rivers, bays, &c., or territories of the other, for stress of weather, or pursuit of pirates, 701: (10) Each party to have consuls, &c., in each other's ports; consuls engaging in commerce; consuls violating the laws; consular archives to be inviolable; disputes between Americans, &c., to be decided by the consul; contending parties may resort to the judicial authorities of their own country, 702: (11) Consuls, &c., may require the aid of civil authorities to arrest deserters; how the demand for deserters shall be made; deserters, when arrested, how to be disposed of, 702: (12) Power to dispose of personal goods, &c.; in case of persons holding real estate within the territories of either party, to be allowed time to sell the same, 703: (13) Favors in navigation, &c., to become common, 703: (14) Duration of the treaty; citizens personally responsible for violations of the treaty; reprisals not to be authorized, nor war declared, until a statement of injuries shall be presented; ratifications to be exchanged within eight months, 703.

CONVENTION FOR PAYMENT OF CLAIMS OF AMERICAN CITIZENS: *Concluded February 26, 1851; Ratification advised by Senate March 7, 1851; Ratified by President March 10, 1851; Ratifications exchanged at Lisbon June 23, 1851; Proclaimed September 1, 1851.* (10 St. at L., 911.)

- (1) Payment of claims to be made in full, 705: (2) The case of the "General Armstrong" to be submitted to arbitration, 705: (3) Copies of all papers to be laid before arbiter, 705: His decision final, 705: (4) \$91,727.00 to be paid for other claims, 705: (5) Payment, how made, 705: (6) Interest, 706: (7) Ratifications, 706.

PRUSSIA.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

TREATY OF AMITY AND COMMERCE: *Concluded September 10, 1785; Ratified by Congress May 17, 1786.* (8 St. at L., 84.)

- (1) Peace and friendship between the two nations, 707: (2) Subjects of Prussia entitled to the same privileges in United States as the most favored nation, 707: (3) Citizens of the United States entitled to the same privileges in Prussia as the most favored nation, 708: (4) Regulations of commercial intercourse, 708: (5) Vessels not to be forced to unload merchandise, 708: (6) Goods to be examined before loaded, and not after, unless in case of fraud, 708: (7) Each party to protect the vessels and effects of the other in their dominions, 709: (8) Vessels coming on the coast or entering the ports of either nation, how to be treated, 709: (9) In case of shipwrecks, relief to be afforded, and goods restored, 709: (10) The citizens or subjects of either party may dispose of their personal estate by will or otherwise; regulations concerning the same, 709: (11) Liberty of conscience secured, 710: (12) Liberty for either party to trade with a nation at war with the other; free ships make free goods, 710: (13) No goods shall be deemed contraband so as to justify confiscation; but vessels may be detained, 710: (14) Vessels to be furnished with sea-letters or passports, 711: (15) How vessels are to be treated when met by ships of war or privateers, 711: (16) Vessels not to be detained by embargo, &c., 711: (17) When recaptured vessels shall be restored, 712: (18) Vessels driven by stress of weather into port shall be protected, 712: (19) Vessels of war may carry prizes into the ports of each nation, 712: (20) Citizens of either party shall not take commissions or letters of marque from a state at war with the other, 712: (21) Regulations to be observed in case of war

234 SYNOPTICAL INDEX—PRUSSIA AND OTHER GERMAN STATES.

TREATY OF AMITY AND COMMERCE, 1785—Continued.

against a common enemy, 712: (22) Convoys in certain cases, 713: (23) In case of war nine months to be allowed to citizens to settle their affairs; principles of conducting war; no commissions to be granted to private armed vessels, 713; (24) Treatment of prisoners of war regulated, 713; (25) Consuls to be allowed in the ports of each nation, 714: (26) All favors granted to another nation by one party shall become common to the other, 714: (27) Treaty to be in force for ten years, 715.

TREATY OF AMITY AND COMMERCE: *Concluded July 11, 1799; Ratification advised by Senate February 18, 1800; Ratified by President February 19, 1800; Ratifications exchanged at Berlin June 22, 1800; Proclaimed November 4, 1800. (8 St. at L., 162.)*

- (1) Peace and friendship established, 716: (2) Privileges of Prussia; subjects trading to the United States, 716: (3) Commercial privileges, 716: (4) Commercial privileges, 716: (5) Unloading of vessels, 717: (6) Unloading of vessels, 717: (7) Protection of property within the jurisdiction of each party, 717: (8) Vessels coming on the coast, or entering a port, without wishing to break bulk, 717: (9) Shipwrecks, 717: (10) Alienation of real estate; real estate within the dominions of one party falling upon the subjects of the other, 718: (11) Freedom of conscience, worship, &c., 718: (12) Relative to the principle of free ships making free goods, 718: (13) Of contraband, 719: (14) Documents to be carried by vessels in time of war, 719: (15) Manner of visiting vessels not under convoy, 720: (16) Of embargoes; seizures, detentions and arrests, to be made in due course of law, 720: (17) Salvage on recapture, when one of the powers is neutral, 720: (18) Right of asylum, 720: (19) Bringing in of prizes, 721: (20) The subjects of one party shall not take letters of marque from the enemy of the other, &c., 721: (21) Rules applicable to the prosecution of a common war, 721: (22) The ships of war of one party shall protect the vessels of another, 722: (23) Regulations for softening the effects of war between the two parties, 722: (24) Regulations relative to prisoners of war, &c., 722: (25) Consuls, &c., allowed to reside in the dominions of the parties, 723: (26) Favors granted to others, to extend to the parties, 723: (27) Limitation of treaty to ten years from the exchange of ratifications, 723.

TREATY OF COMMERCE AND NAVIGATION: *Concluded May 1, 1828; Ratification advised by Senate May 4, 1828; Ratified by President; Ratification again advised and time for exchange of ratifications extended by Senate March 9, 1829; Ratifications exchanged at Washington March 14, 1829; Proclaimed March 14, 1829. (8 St. at L., 378.)*

- (1) Reciprocal liberty of commerce between the territories of both parties, 724: (2) Freedom of navigation, and perfect reciprocity, 724: (3) All articles of commerce to pay the same duties in vessels of either nation, 724: (4) Stipulations of the two preceding articles to apply to vessels of Prussia and the United States coming from any ports, 725: (5) Produce of the parties put on the most favorable footing, 725: (6) Vessels of parties put on the same footing as to exportations, 725: (7) Coastwise navigation excepted, 726: (8) Neither party to give any preference to goods on account of the importing bottom, 726: (9) Prospective provision for maintaining the most favored footing, 726: (10) Consuls, 726: (11) Consuls, &c., may require the aid of local authorities, 726: (12) Certain stipulations in former treaties revived; security of neutral navigation to be the subject of future treaty, 727: (13) Vessels entering blockaded ports, 727: (14) Provisions as to personal property of citizens, &c., 728: (15) Treaty to remain in force for twelve years, &c., 728: (16) Ratifications to be exchanged within nine months, 728.

PRUSSIA AND OTHER GERMAN STATES.

CONVENTION FOR EXTRADITION OF CRIMINALS: *Concluded June 16, 1852; Ratification advised by Senate March 15, 1853; Ratified by President May 27, 1853; Ratifications exchanged at Washington May 30, 1853; Proclaimed June 1, 1853. (10 St. at L., 964.)*

- (1) Persons charged with certain crimes to be mutually surrendered, 729: (2) Other States may accede hereto, 730: (3) No State to surrender its own citizens, 730: (4) Trial before delivery when person commits new crime in State which he makes his asylum, 730: (5) Limitation of this treaty, 730: (6) Ratifications, 730.

ADDITIONAL ARTICLE TO CONVENTION OF JUNE 16, 1852, FOR EXTRADITION OF CRIMINALS: *Concluded November 16, 1852; Ratification advised by Senate March 15, 1853; Ratified by President May 27, 1853; Ratifications exchanged at Washington May 30, 1853; Proclaimed June 1, 1853. (10 St. at L., 968.)*

- (1) Time for ratification of convention for extradition of criminals extended, 731: Additional article to have same effect as if inserted in aforesaid convention, 731.

RUSSIA.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

CONVENTION RELATIVE TO NAVIGATING, FISHING, &c., IN THE PACIFIC OCEAN, AND TO ESTABLISHMENTS ON THE NORTHWEST COAST: *Concluded April 5-17, 1824; Ratification advised by Senate January 5, 1825; Ratified by President January 7, 1825; Ratifications exchanged at Washington January 11, 1825; Proclaimed January 12, 1825.* (8 St. at L., 302.)

- (1) Navigation and fisheries of the Pacific to be free to both parties, 733: (2) Illicit trade to be prevented, 733: (3) No establishment to be formed hereafter by citizens of the United States north of 54 degrees 40 minutes, or by Russia south of the same latitude, 734: (4) Interior seas to be free to both nations for ten years, 734: (5) Certain articles always to be excepted from this commerce, 734: (6) Ratifications to be exchanged in ten months, 734.

TREATY OF COMMERCE AND NAVIGATION, AND SEPARATE ARTICLE THERETO: *Concluded December 6-18, 1832; Ratification advised by Senate February 27, 1833; Ratified by President April 8, 1833; Ratifications exchanged at Washington May 11, 1833; Proclaimed May 11, 1833.* (8 St. at L., 444.)

- (1) Liberty of commerce and navigation, 735: (2) Tonnage duties reciprocally on the footing of the most favored nation, 735: (3) Merchandise imported in the vessels of either party not to be subject to increased duties, 736: (4) The same rule to prevail, whether such vessels arrive from their own or foreign ports, 736: (5) Merchandise which may be imported in national vessels, may be so in the vessels of either party, 736: (6) No higher duties shall be imposed than on the same articles from other countries; all prohibitions shall be general, 736: (7) The coasting trade excepted from articles 2, 3, 4, 5, 6, 737: (8) Consuls, &c. Their authority and privileges; consuls to judge and arbitrate in certain cases, 737: (9) Consuls, &c., may require the aid of local authorities to arrest deserters; deserters to be sent back within four months, 737: (10) Succession to personal estate, and disposal thereof, 738: (11) Favors granted to other nations shall become common, 738: (12) This treaty to extend to Poland, and to continue in force until January 1, 1839, 738: (13) Ratifications to be exchanged within twelve months, 739: Separate Article, 739: Certain stipulations which relate to the commerce between Russia, Prussia, Sweden, and Norway, not to be connected with this treaty, 739.

CONVENTION RELATIVE TO RIGHTS OF NEUTRALS AT SEA: *Concluded July 10-22, 1854; Ratification advised by Senate July 25, 1854; Ratified by President August 12, 1854; Ratifications exchanged at Washington October 31, 1854; Proclaimed November 1, 1854.* (10 St. at L., 1105.)

- (1) Free ships to make free goods, 740: Neutral property, 740: (2) An ulterior understanding as to details, 740: (3) Other nations may accede to this treaty, 740: (4) Ratifications, 740.

CONVENTION FOR THE CESSION OF THE RUSSIAN POSSESSIONS IN NORTH AMERICA TO THE UNITED STATES: *Concluded March 18-30, 1867; Ratification advised by Senate April 9, 1867; Ratified by President May 28, 1867; Ratifications exchanged at Washington June 20, 1867; Proclaimed June 20, 1867.* (15 St. at L., 539.)

- (1) Cession of territory, boundaries, 741: (2) Cession of territory, what to include, 742: (3) Rights of inhabitants, 742: (4) Agents, &c., 743: Cession to be absolute, 743: (5) Military posts, 743: (6) Payment, 743: Territory ceded to be unencumbered, 743: (7) Ratifications, 743.

ARTICLE RESPECTING TRADE-MARKS, ADDITIONAL TO TREATY OF NAVIGATION AND COMMERCE OF DECEMBER 6-18, 1832: *Concluded January 27, 1868; Ratification advised by Senate July 25, 1868; Ratified by President August 14, 1868; Ratifications exchanged at St. Petersburg September 21, 1868; Proclaimed October 15, 1868.* (16 St. at L., 725.)

Additional article, trade-marks, 744.

SAN SALVADOR.

TREATY OF PEACE, AMITY, COMMERCE, AND NAVIGATION: *Concluded January 2, 1850; Ratification advised by Senate September 24, 1850; Ratified by President November 14, 1850; Time for exchange of ratifications extended by Senate September 27, 1850, to April 1, 1851; Ratifications exchanged at city of San Salvador June 2, 1852; Exchange of ratifications consented to by Senate April 4, 1853; Proclaimed April 18, 1853.* (10 St. at L., 891.)

- (1) Peace and friendship, 745: (2) "Most favored nation" provision, 745: (3) Right to trade and hold property, 745: Coasting trade reserved, 746: (4) No distinction as to nationality of vessels, 746: (5) No discriminating duties on produce of either country, 746: (6) Articles IV and V apply whatever port the vessel sails from,

TREATY OF PEACE, AMITY, COMMERCE, AND NAVIGATION, 1850—Continued.

746: (7) How trade is to be conducted, 747: (8) Indemnification for embargoes, &c., 747: (9) Treatment of vessels, 747: (10) Property recaptured from pirates to be restored, 747: (11) Provision in case of wrecks, 747: (12) Provision respecting sales and inheritances, 748: (13) Protection to property and rights, 748: (14) Liberty of conscience, 748: Right of burial, 748: (15) Free ships to make free goods, &c., 749: Similar provision as to persons, 749: Limitation of the principle, 749: (16) Enemy's ship to make enemy's goods exempt, &c., 749: (17) Definition of contraband, 750: (18) All other goods free, 750: Definition of siege and blockade, 750: (19) Proceedings in case of contraband, 750: (20) Blockades, 750: (21) Visitation and examination of vessels at sea, 751: Damages for ill-treatment, 751: (22) Sea-letter in time of war, 751: (23) No search in case of convoy, 751: (24) Prize courts, 751: (25) Hostilities to be carried on by public officers only, 752: (26) Letters of marque or commissioners, 752: (27) In case of war provision for withdrawal of merchandise, 752: (28) Debts and property not to be confiscated, 752: (29) Privileges of ministers, &c., 752: (30) Consuls and vice-consuls, 753: (31) Their exequatur, 753: (32) Their privilege, 753: (33) Deserters, 753: (34) Consular convention to be formed, 754: (35) Duration of this treaty, 754: (36) Peace not to be disturbed by acts of private persons, 754: Proceedings before declaring war, 754.

SARDINIA.

[See "Notes," Title "Abrogated, Suspended, or Obsolete Treaties."]

TREATY OF COMMERCE AND NAVIGATION, AND SEPARATE ARTICLE: *Concluded November 26, 1838; Ratification advised by Senate March 2, 1839; Ratified by President March 2, 1839; Ratifications exchanged at Washington March 18, 1839; Proclaimed March 18, 1839.* (8 St. at L., 512.)

- (1) Reciprocal liberty of commerce and navigation, 755: (2) Vessels of either party, arriving in the ports of the other, put on the footing of national vessels, 755: (3) Importations by American vessels into Sardinia; importations by Sardinian vessels into United States, 756: (4) The stipulations in the second and third articles, how applicable, 756: (5) Sardinian vessels may export from the United States; United States vessels may export from Sardinia, 756: (6) No other or higher duties to be imposed on importations than are imposed on importations of other nations, 756-757: (7) Coasting trade excepted, 757: (8) No preference of importations to be given to either party, 757: (9) Favors granted to other nations to become common, 757: (10) Vessels of both nations to have the same footing as vessels of the most favored nation, 757: (11) Shipwrecks, 757: (12) Vessels of either nation, forced by distress into the ports of the other, to be exempt from port charges, provided, &c., 758: (13) Blockades, 758: (14) Articles of commerce allowed to pass from Genoa through the Sardinian territories, &c.; notice of any transit duty to be given; importations from the United States to be considered the produce of United States, 758: (15) Consuls to have the privileges and exemptions of those of the most favored nation; consuls engaging in commerce to be subject to the same laws and regulations to which individuals are subject, 759: (16) Citizens or subjects of one party being appointed consuls by the other, to be subject to the laws of the country to which they belong, 759: (17) Consuls may require the aid of the civil authorities to arrest deserters; deserters must be sent back within three months, 759: (18) Power to dispose of personal goods; in case of real estate, alien heirs allowed time to dispose of the same, 760: (19) The treaty to continue in force for ten years, &c., 760: (20) Ratifications to be exchanged within ten months, 760: Separate article, 760: The United States to establish differential duties upon certain goods, 761.

SAXONY.

CONVENTION FOR ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION: *Concluded May 14, 1845; Ratification advised by Senate, with amendment, April 15, 1846; Ratified by President April 22, 1846; Ratifications exchanged at Berlin August 12, 1846; Proclaimed September 9, 1846.* (9 St. at L., 830.)

- (1) Droit d'aubaine abolished, 762: (2) Heirs to real property may sell same and withdraw proceeds, 762: (3) Citizens and subjects of either may dispose of personal property by will or otherwise on same terms as natives, 762: (4) Property of absent heirs to be taken care of, 763: (5) Disputes as to inheritance to be settled by local laws, 763: (6) Stipulation of present convention to apply to property already inherited, 763: (7) Ratification, 763.

SCHAUMBURG-LIPPE.

DECLARATION OF ACCESSION TO CONVENTION OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, FOR EXTRADITION OF CRIMINALS, AND TO ADDITIONAL ARTICLE THERETO OF NOVEMBER 16, 1852: *Dated June 7, 1854; Proclaimed July 26, 1854.* (10 St. at L., 972.)
Declaration of accession, 920.

SIAM.

TREATY OF AMITY AND COMMERCE: *Concluded March 20, 1833; Ratification advised by Senate June 23, 1834; Ratified by President; Ratifications exchanged at Bangkok, April 14, 1836; Proclaimed June 24, 1837.* (8 St. at L., 454.)

- (1) Perpetual peace between the two nations, 765: (2) Citizens of the United States at liberty to enter the ports of Siam with their cargoes, and to sell and barter the same, 765: (3) Duties payable by vessels of the United States; no duties payable by vessels entering to refit, 765: (4) Duties to be diminished as diminished to the most favored nation, 765: (5) Assistance in case of shipwreck, 766: (6) Settlement of debts contracted in Siam, 766: (7) Merchants of the United States to rent the King's factories, &c., 766: (8) Citizens of the United States taken by pirates to be set at liberty, 766: (9) Merchants of the United States to respect the laws of Siam, 766: (10) Appointment of consuls, 766: Final ratification of the treaty reserved for the President of the United States, 767:

TREATY OF AMITY AND COMMERCE: *Concluded May 29, 1856; Ratification advised by Senate, with amendment, March 13, 1857; Ratified by President, March 16, 1857; Ratifications exchanged at Bangkok, June 15, 1857; Time for exchange of ratifications extended by Senate, June 15, 1858; Proclaimed August 16, 1858.* (11 St. at L., 683.)

- (1) Perpetual peace and friendship, citizens of each country to have protection, &c., in the other country, 767: United States ships of war to render assistance to Siamese vessels, 768: American consuls at ports visited by Siamese vessels, 768: (2) American citizens in Siam under consul at Bangkok; Powers and duties of such consul; settlement of disputes between Americans and Siamese, 768: (3) Criminal offences, how and by whom punished, offenders to be mutually surrendered, 768: (4) American citizens may trade in all Siamese ports, 768: Can reside only at Bangkok, rights as to purchase or hire of real estate, 768: Mode of acquiring the same, 768: Failure to commence cultivation for three years authorizes a resumption of property, 769: Purchase-money in such case to be repaid, 769: (5) Freedom of religious worship, Americans may employ Siamese servants, 769: Limitations of this right, 769: (6) American ships of war, rights of, &c., 769: Siamese authorities, where no American ship of war is present, to give American consul sufficient force to support his authority, 769: (7) American shipping and trade subject only to export and import duty on goods landed and shipped; rate of import duty, 769: Drawback, 770: Disagreement as to value of imports, how settled, 770: Opium to be free of duty, 770: Regulations as to sale, &c.; exports to pay but one impost; rate specified in tariff attached, 770: American merchants may purchase directly from producer, 770: May sell directly to purchasers; rates of duty in attached tariff, 770: Privileges of American shipping, 770: Americans may build ships in Siam; exportation of salt, rice, and fish may be prohibited, 770: Notice thereof to be given, except in case of war, 770: Bullion and personal effects free of duty; regulations attached to treaty, how to be enforced, 770: (8) New regulations may be made and how; fines and penalties to be paid to Siamese government, 770: (9) American citizens, &c., to have privilege of most favored nation, 770: (10) This treaty may be revised after ten years, 771: By either party upon twelve months' notice, 771: By commissioners who shall have authority, &c., 771: (11) Treaty to take effect immediately, 771: English and Siamese versions have same meaning, 771: Ratifications to be exchanged in 18 months, 771: Signature, date of, 771: (1) Regulations as to American trade in Siam, 771: Arrivals of vessels, &c., to be reported, 771: Guns and ammunition to be discharged, 771: (2) Penalty for refusal so to do, 771: (3) Vessel's papers to be deposited with consul, &c., 771: Report thereof to be made to custom-house, 771: Penalty for neglect thereof, 772: (4) Penalty for breaking bulk, without permission, for smuggling, &c., 772: (5) Clearance of vessels, 772: (6) The English text of these regulations to be taken to be the true one, 772: Also of the treaty and tariff attached, 772: (7) Americans intending to reside in Siam to be registered, &c., must have passport to go to sea or beyond certain limits, 772: Shall not leave Siam, if, &c.; other privileges and prohibitions, 772: (1) Tariff of duties attached to treaty, 772-773: Articles paying only export duty and rates, 773: (2) Articles paying inland duties only, and rates, 773: (3) Unenumerated articles to be free of duty, 774.

MODIFICATION TO TREATY OF AMITY AND COMMERCE OF MAY 29, 1856: *Concluded December 17-31, 1867; Ratification advised by Senate July 25, 1868; Ratified by President August 11 1868.* (17 St. at L. 807.)

Article. Shipmasters upon anchoring vessel at Paknam to deliver ammunition to custom officers, but the guns can remain on board, 775.

SPAIN.

TREATY OF FRIENDSHIP, LIMITS, AND NAVIGATION: *Concluded October 27, 1795; Ratification advised by Senate March 3, 1796; Ratified by President; Ratifications exchanged at Aranjuez, April 25, 1796; Proclaimed August 2, 1796.* (8 St. at L., 138.)

- (1) Peace established, 776: (2) Southern boundary-line of the United States, dividing their territory from the Spanish colonies of East and West Florida, established, 776: (3) Commissioners to run the boundary-line, 777: (4) The Mississippi to be the western boundary, and the navigation thereof secured, 777: (5) How each nation shall conduct with Indians in their respective territories, 777: (6) Each nation to protect the vessels of the other in their jurisdiction, 778: (7) No embargo allowed; in cases of seizure for debts or crimes, how to proceed, 778: (8) Vessels forced into port by stress of weather to be relieved, 778: (9) Property taken from pirates to be restored, 778: (10) Vessels wrecked and foundered to be relieved, 779: (11) Settlement of the estates of deceased persons, 779: (12) Vessels suspected shall exhibit passports and certificates, 779: (13) In case of war, one year allowed to merchants to remove, 779: (14) No citizen of either nation shall take a commission from a foreign power to arm privateers against the other, 780: (15) Liberty of trade in enemy's ports secured; free ships make free goods, excepting contraband, 780: (16) What articles shall be deemed contraband, 780-781: (17) Regulations respecting passports and sea-letters, 781: (18) Vessels shall exhibit passports to ships of war, 782: (19) Consuls, 782: (20) Courts of justice to be open to citizens of each nation, 782: (21) Compensation to be made to citizens of United States for illegal captures of vessels by Spanish subjects: Commissioners to ascertain the same, 782-783: (22) Mutual commerce between the nations to receive extension and favor; Spanish permits to citizens of the United States to dispose of goods at the city of New Orleans, 783: (23) Ratifications to be exchanged in six months, 783.

CONVENTION FOR INDEMNIFICATION OF PERSONS WHO HAVE SUSTAINED LOSSES, &c., IN CONSEQUENCE OF EXCESSES OF INDIVIDUALS OF EITHER NATION DURING THE LATE WAR: *Concluded August 11, 1802; Ratification advised by Senate January 9, 1804; Ratified by President January 9, 1804; Ratifications exchanged at Washington December 21, 1818; Proclaimed December 22, 1818.* (8 St. at L., 198.)

- (1) A board of five commissioners to be appointed, 784: (2) Commissioners to take an oath, 784: (3) Commissioners to meet and sit at Madrid to receive claims, &c., 784: (4) Commissioners may examine any question on oath, 785: (5) No appeal from the commissioners; awards to be paid in specie, 785: (6) Rights founded on claims originating from excesses of foreign cruisers, reserved by each party, 785: (7) Convention effective on exchange of ratifications, 785.

TREATY OF AMITY, SETTLEMENT, AND LIMITS: *Concluded February 22, 1819; Ratification advised by Senate February 24, 1819; Ratified by President; Ratification again advised by Senate February 19, 1821; Ratified by President February 22, 1821; Ratifications exchanged at Washington, February 22, 1821; Proclaimed February 22, 1821.* (8 St. at L., 252.)

- (1) Firm and inviolable peace and friendship, 786: (2) His Catholic Majesty cedes the Floridas; what things are included in the cession, 787: (3) Boundary-line west of the Mississippi, according to Mellich's map of January 1, 1818; the use of the waters of the Sabine, Red River, and Arkansas, common to both nations; territorial renunciations corresponding with the boundary-line, 787: (4) Commissioner and surveyor to be appointed by each party to run the boundary-line, 789: (5) Free exercise of religion in the ceded territories, &c., 789: (6) Inhabitants of the ceded territories to be incorporated into the Union, &c., 790: (7) Spanish troops to be withdrawn, and possession given within six months after exchange of ratifications, 790: (8) Grants of land before 24th of January, 1818, confirmed, &c.; owners to fulfil the conditions; grants since January 24, 1818, null and void, 790: (9) Reciprocal renunciation of claims; renunciation of claims for transactions in the Floridas; satisfaction by United States for injuries to the inhabitants of Florida, 791: (10) Convention of August, 1809, annulled, 792: (11) United States to satisfy claims of their citizens to the amount of five millions of dollars; three commissioners to be appointed to decide upon claims; commissioners to take an oath, &c.; commissioners may hear and examine on oath, &c.; Spanish government to furnish documents, &c.; records of proceedings, &c., to be deposited in Department of State; copies to be furnished to the Spanish government, if required, 792: (12) Treaty of 1795 confirmed, with exceptions: neutral

TREATY OF AMITY, SETTLEMENT, AND LIMITS, 1819—Continued.

flag to cover enemy's property, where, 793: (13) Sailors deserting to be delivered up on proof, &c., 793: (14) United States certify that they receive no compensation from France for claims provided for in this treaty, 793: (15) Spanish vessels laden with Spanish productions admitted into Florida without higher duties than vessels of the United States, for twelve years, 793: (16) Treaty to be ratified and ratifications exchanged, 794: Ratification by the King of Spain of the treaty of February 22, 1819, 794: Grants in favor of the Duke of Alagon, the Count of Pannon Rostro, and Don Pedro de Vargas, annulled, 795: Copy of the grants annulled by the treaty, 795.

CONVENTION FOR THE SETTLEMENT OF CLAIMS: *Concluded February 17, 1834; Ratification advised by Senate May 13, 1834; Ratified by President; Ratifications exchanged at Madrid August 14, 1834; Proclaimed November 1, 1834.* (8 St. at L., 460.)

- (1) Agreement by Spain to indemnify the United States; the sum of twelve million reals vellon to be paid, 795: (2) The interest to be paid in Paris, yearly, 796: (3) All claims on Spain granted prior to the date of this convention to be canceled, 796: (4) List of claims to be delivered to the Spanish minister, 796: (5) Ratifications to be exchanged within six months, 796: Translation of the form or model of the inscription of the debt assumed by Spain, 797.

AGREEMENT FOR THE SETTLEMENT OF THE CLAIMS OF CITIZENS OF THE UNITED STATES, OR OF THEIR HEIRS, AGAINST THE GOVERNMENT OF SPAIN FOR WRONGS AND INJURIES COMMITTED AGAINST THEIR PERSONS AND PROPERTY, OR AGAINST THE PERSONS AND PROPERTY OF WHOM THE SAID HEIRS ARE THE LEGAL REPRESENTATIVES, BY THE AUTHORITIES OF SPAIN, IN THE ISLAND OF CUBA, OR WITHIN THE MARITIME JURISDICTION THEREOF, SINCE THE COMMENCEMENT OF THE PRESENT INSURRECTION: *Concluded at Madrid February 12, 1871, by General Daniel E. Sickles, Envoy Extraordinary and Minister Plenipotentiary of the United States, at Madrid, and His Excellency Señor Don Cristino Martos, Minister of State of Spain.* (17 St. at L., 839.)

- (1) Claims to be submitted to arbitrators, and in case of disagreement to umpire, 921: (2) Arbitrators to meet at Washington, to decide according to public law and the treaties between the two countries, 921: (3) Each government to name an advocate, 921: (4) Claims to be presented through Government of United States, 921: (5) Extent of jurisdiction, 921: Judgment of a Spanish tribunal in Cuba rendered in the absence of the party no bar to consideration of claim by tribunal, 922: Same on question of citizenship of claimant, 922: (6) Expenses, 922: (7) Award of arbitrators to be accepted by both Governments as conclusive, 922.

SWEDEN.

TREATY OF AMITY AND COMMERCE, AND SEPARATE ARTICLES: *Concluded April 3, 1783; Ratified by Congress July 29, 1783; Proclaimed by Congress September 25, 1783.* (8 St. at L., 60.)

- (1) Peace and friendship between the two nations, 799: (2) Neither party to grant favors to other nations that shall not become common to either party, 800: (3) Subjects of Sweden entitled to the same privileges in the United States as the most favored nation, 800: (4) Citizens of the United States entitled to the same privileges in Sweden as the most favored nation, 800: (5) Liberty of conscience secured, 800: (6) Citizens and subjects may dispose of their estates, may inherit, and may remove their effects, 800: (7) Liberty to either party to trade with a nation at war with the other; free ships make free goods, except contraband, 801: (8) This liberty extends to all kinds of merchandise except contraband, 801: (9) What goods shall be deemed contraband, 801: (10) What goods shall not be deemed contraband, 802: (11) In case of war ships to be furnished with sea-letters or passports, 802: (12) Vessels shall exhibit their sea-letters and passports; no contraband may pass, 802: (13) Mode of proceeding if contraband goods are discovered, 803: (14) Goods found in an enemy's ship liable to be confiscated, unless put on board before the declaration of war or within six months, 803: (15) Vessels of war and privateers shall do no injury; if they do, punishment and restitution, 803: (16) Persons fitting out privateers to be answerable by bonds for damages, 804: (17) Recaptured vessels, 840: (18) Regulations in case both nations should be at war with a common enemy, 804: (19) Ships of war and privateers may bring prizes into the ports of either party, 805: (20) In case of shipwreck relief to be given, 805: (21) Vessels forced in by stress of weather, 805: (22) In case of war nine months to be allowed to citizens and subjects to sell and transport their effects, 806: (23) Citizens of neither party to take commissions or letters of marque to serve against the other, 806: (24) Vessels arriving on the coast of either party, how to be treated, 806: (25) How ships are to be treated if met by ships of war, 806: (26) Consuls, &c., to be allowed in the ports of each nation, 807: (27) Ratifications, 807: Separate article, 807.

SEPARATE ARTICLES.

- (1) The King of Sweden to protect vessels and effects of citizens of the United States, 807: (2) The United States to protect vessels and effects of subjects of Sweden, 808: (3) In case of war at sea, ships of war to protect and assist vessels of each nation, 808: (4) Regulations to transact business by the citizens or subjects of one party in the dominions of the other, 808: (5) No vessel to be searched unless in case of fraud; regulations in such cases, 808.

SWEDEN AND NORWAY.

TREATY OF AMITY AND COMMERCE: *Concluded September 4, 1816; Ratification advised by Senate, with amendments, February 19, 1817; Ratified by President May 27, 1818, except third, fourth, and sixth articles; Ratifications exchanged at Stockholm September 25, 1818; Proclaimed December 31, 1818.* (8 St. at L., 232.)

- (1) Reciprocal liberty of commerce; complete security of merchants and traders, 809: (2) No other or higher duties, &c., than the same articles would be subjected to if they were the production or manufacture of any other country; no prohibition on exportations or importations which does not extend to all other nations; equalization of duties as to the vessels and cargoes of other nations, &c.; equalization of duties extended to the colony of Saint Bartholomews, 810: (3) Not ratified, 811: (4) Not ratified, 811: (5) Consuls, &c.; proceedings against consuls, &c., offending against the laws; archives, &c., of the consulate to be inviolate; consuls and their deputies to have the right to act as judges, &c.; limitation of the right; right reserved to the parties under consular decisions, 811-812: (6) Not ratified, 812: (7) Vessels and cargoes may enter ports, &c., on paying pilotage, &c.; limitation of this privilege, 812: (8) Vessels may land part of their cargoes and proceed with the remainder on paying a portion of the duties, &c.; exception as to vessels, 813: (9) Rights and privileges of entrepôts, 813: (10) Regulations in case of shipwreck, 813: (11) Quarantine regulations, 813: (12) The treaty of Paris, concluded in 1783, revived in part; exception as to the effect of the revival of the treaty of 1783 in relation to other powers, 814: (13) Stipulations concerning blockades, 814: (14) This treaty to endure for eight years after the exchange of ratifications, 814.

TREATY OF COMMERCE AND NAVIGATION, AND SEPARATE ARTICLE: *Concluded July 4, 1827; Ratification advised by Senate January 7, 1828; Ratified by President; Ratifications exchanged at Washington January 18, 1828; Proclaimed January 19, 1828.* (8 St. at L., 346.)

- (1) Navigation and commerce, 815: (2) Swedish and Norwegian vessels, &c., to be treated as national vessels, 815; reciprocal as to American vessels, 816: (3) Imports, 816: (4) Exports, 816: (5) Stipulations to be applicable to American vessels proceeding to Saint Bartholomew, 816-817: (6) Not applicable to coastwise navigation, 817: (7) No preference to be granted in regard to importations, 817: (8) Tonnage duty, 817: (9) No restriction to be imposed by either party upon importations and the products of the soil, 817: (10) All privileges of transit, drawback, &c., to be mutual, 818: (11) Vessels entering a port and not wishing to unload not to pay duties, 818: (12) Vessels unloading a part of their cargoes not to pay duties on the remainder, 818: (13) Consuls, &c., to be admitted into the ports of the contracting parties; consuls, &c., to act as arbitrators in certain cases, 818, 819: (14) Consuls, &c., authorized to require the assistance of the local authorities; deserters to be placed at the disposition of the consuls, &c.; proceedings in case of crime on the part of the deserter, 819: (15) Shipwrecks, 819: (16) Quarantine, 820: (17) Certain articles of the treaty of April 3, 1783, revived, 820: (18) Blockades, 820: (19) Treaty to continue in force for ten years, 821: (20) Treaty to be ratified within nine months, 821. Separate article, 821: Provisions relative to the 8th, 9th, and 10th articles of the present treaty, 821.

CONVENTION FOR EXTRADITION OF CRIMINALS: *Concluded March 21, 1860; Ratification advised by Senate June 26, 1860; Ratified by President December 14, 1860; Ratifications exchanged at Washington December 20, 1860; Proclaimed December 21, 1860.* (12 St. at L., 1125.)

- (1) Certain fugitives from justice to be delivered up, 822; preliminary proof required 823: (2) Crimes for which they may be delivered up, 823: (3) Expenses of extradition, how borne, 823: (4) This convention not to apply to citizens or subjects, 823: (5) Nor to political offences, 823: (6) Provision in case person commits a new crime where he seeks refuge, 823: (7) When this convention takes effect, 823: Ratification, 824.

CONVENTION AND PROTOCOL RELATIVE TO NATURALIZATION: *Concluded May 26, 1869; Ratification advised by Senate, with amendment, December 9, 1870; Ratified by President December 17, 1870; Ratifications exchanged at Stockholm June 14, 1871; Exchange of ratifications consented to by Senate January 8, 1872; Proclaimed January 12, 1872.* (17 St. at L., 809.)

- (1) When citizens of the United States are to be treated as citizens of Sweden and Norway, 824: When those of Sweden and Norway are to be treated as citizens of

CONVENTION AND PROTOCOL RELATIVE TO NATURALIZATION, 1869—Continued.

the United States, 824: Declaration of intent not to affect naturalization, 824: (2) Naturalized citizens of either country liable, on return to their original country, for offences committed before emigration, 825: (3) Provision as to restoration to citizenship in original country, 825: (4) Convention for extradition of fugitives from justice not changed, 825: (5) Convention when to go into effect, and how long to continue, 825: (6) When to be ratified, 825: Protocol; when a citizen of either country has been discharged from his citizenship in such country, and acquires citizenship in the other country, an additional five years' residence is not required, 826: When recognized as a citizen, to be treated as such, 826: Swedes, &c., naturalized in the United States, and returning to their original country, are liable for offences committed before emigration, 826: and to fulfil their military service, 826: Renewing their residence in Sweden, &c., with the intent not to return to the United States, held to have renounced their American citizenship, 826: The intent not to return held to exist from a residence of more than two years in Sweden or Norway, 826.

SWISS CONFEDERATION.

CONVENTION FOR ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION: *Concluded May 18, 1847; Ratification advised by Senate April 26, 1848; Ratified by President April 29, 1848; Ratifications exchanged at Washington May 3, 1848; Proclaimed May 4, 1848.* (9 St. at L., 902.)

- (1) Power to dispose of personal property, 827: Heirs, &c., may inherit and take possession, and may dispose of the same on payment of certain duties, 827: Property of absent heirs to be taken care of, 827: In cases of dispute, how to be decided, 827: (2) Alien heirs allowed time to dispose of real estate, 827: (3) Duration of this convention, 828: Convention subject to ratification, and ratifications to be exchanged within twelve months, 828.

CONVENTION OF FRIENDSHIP, COMMERCE, AND EXTRADITION: *Concluded November 25, 1850; Ratification advised by Senate, with amendments, March 7, 1851; Ratified by President March 12, 1851: Ratification again advised by Senate, with amendment, May 29, 1854; Ratified finally by President November 6, 1855; Ratifications exchanged at Washington November 8, 1855; Proclaimed November 9, 1855.* (11 St. at L., 587.)

- (1) Respective citizens to be on a footing of equality, 828: Liberties granted, 829: Restriction on said liberties, 829: Liability to taxes, 829: (2) No discriminating tax to be imposed, 829: Indemnity for damages, 829: (3) Provisions as to citizens who wish or are compelled to return, 829: (4) Power to dispose of and inherit property, 829: (5) Care of property of deceased persons, 830: These provisions—how far applicable to real estate; power to sell real estate which cannot be held by an alien, 830: (6) Controversies among claimants to a succession, 830: (7) Consuls and vice-consuls, 830: Exequatur, 831: Archives, &c., to be inviolate, 831: (8) Each nation to have rights of the "most favored nation," respecting imports, exports, and transit of products, 831: (9) No discriminating duties, 831: (10) Future commercial privileges granted to any nation, to be extended to the other, 831: (11) Origin of products, how established, 831: (12) Regulations as to commerce, 831: Shipwreck, 831: "Most favored nation" clause, 832: (13) Extradition of criminals, 832: (14) Crimes for which extradition shall be made, 832: (15) Surrender, how to be made, 832: (16) Payment of expenses, 832: (17) No extradition for past or political offences, 832: (18) Duration of this convention, 832: (19) Ratification, 833.

TEXAS.

CONVENTION RELATIVE TO SEIZURE OF BRIGS "POCKET" AND "DURANGO": *Concluded April 11, 1838; Ratification advised by Senate June 13, 1838; Ratified by President June 21, 1838; Ratifications exchanged at Washington July 6, 1838; Proclaimed July 6, 1838.* (8 St. at L., 510.)

- (1) Texas agrees to indemnify the United States, 834: (2) Payment of the indemnity, 834: (3) Ratifications to be exchanged in three months, 834.

CONVENTION FOR MARKING BOUNDARY: *Concluded April 25, 1838; Ratification advised by Senate May 10, 1838; Ratified by President October 4, 1838; Ratifications exchanged at Washington October 12, 1838; Proclaimed October 13, 1838.* (8 St. at L., 511.)

- (1) Commissioners and surveyors to be appointed to run the boundary-line, 835: (2) Each party to exercise jurisdiction until the line is marked, 835: (3) Ratifications to be exchanged within three months, 835-836.

TRIPOLI.

TREATY OF PEACE AND FRIENDSHIP: *Concluded November 4, 1796, and January 3, 1797; Ratification advised by Senate June 7, 1797.* (8 St. at L., 154.)

- (1) Peace under the guarantee of the Dey of Algiers, 837: (2) Enemies' goods to be free in ships belonging to the parties, 837: (3) Persons and property in enemies' vessels to be free in case of capture, 837: (4) Passports to be given, 837: (5) Condemnation and bill of sale of a prize-vessel to be available as a passport for one year, 837: (6) Vessels putting into ports of parties for provisions or repairs, 837: (7) Shipwrecks, 838: (8) Neutrality of ports, 838: (9) Commerce, &c., to be on the footing of the most favored nations, 838: (10) Acknowledgment of the receipt of the price of peace, 838: (11) Pretexts arising from religious opinions not to interrupt the state of harmony of the two nations, 838: (12) Disputes between the parties to be decided by reference to the Dey of Algiers, 838.

TREATY OF PEACE AND AMITY: *Concluded June 4, 1805; Ratification advised by Senate April 12, 1806.* (8 St. at L., 214.)

- (1) Peace and friendship established; privileges in commerce, &c., 840: (2) Prisoners to be mutually given up, 840: (3) American forces in the province of Derne to be withdrawn, 840: (4) Free ships to make free goods, 841: (5) Citizens, &c., to be given up if taken in prize-vessels, 841: (6) Passports to be given to vessels of both nations, 841: (7) What shall be a sufficient passport, 841: (8) Vessels of both nations may touch at ports of each for provisions, &c., 842: (9) Proper assistance to be given the vessels of both nations in distress, 842: (10) Rules as to the time when, and the distance at which, an enemy's vessel may be attacked, 842: (11) Commerce, &c., to be on the footing of the most favored nation, 842: (12) Consuls of the United States not to be answerable for debts of citizens of the United States, 842: (13) Salutes of vessels of the United States, 842: (14) Entire freedom to be allowed in religious matters, 842: (15) Time allowed before an appeal to arms, 843: (16) Mutual exchange of prisoners in event of war, 843: (17) Vessels of United States captured by one of the Barbary States, not to be sold, but to be sent away, 843: (18) Disputes to be settled by the consul of the United States, 843: (19) The *lex loci* to prevail with regard to homicides committed by a citizen of the United States or a Tripoline, 844: (20) Citizens of the United States dying in the regency of Tripoli, their property to be saved for their representatives, 844.

TUNIS.

[See "Notes," Title, "Abrogated, Suspended, or Obsolete Treaties.]"

TREATY OF PEACE AND FRIENDSHIP: *Concluded August, 1797; Ratification advised by Senate March 6, 1798, on condition that 14th article be suspended, and friendly negotiation on the subject with Bey of Tunis recommended; Certain alterations in 11th, 12th, and 14th articles agreed to March 26, 1799.* (8 St. at L., 157.)

- 1) Peace and friendship established, 846: (2) Restoration of subjects and goods found in an enemy's vessel, 846: (3) Enemy's goods on board a vessel of the parties to be free, 846: (4) Passports to be given, 847: (5) Commander of a convoy to be believed upon his word, in order to exempt it from search and quarantine, 847: (6) Nothing to be exacted for visits; fugitive slaves and prisoners to be returned, 847: (7) Prize-vessels purchased at Tunis, how to obtain temporary passports, 847: (8) Hospitality to be granted to vessels entering the ports of the parties, 847: (9) Assistance to be granted to wrecked vessels, 848: (10) Neutrality of ports to be enforced, 848: (11) Salutes, 848: (12) Privileges of merchants; Tunisian subjects freighting an American vessel; embargoes; protection of the subjects of the parties; government of Tunis may freight American vessels, 848: (13) Enemy's subjects on board the vessels of the parties, in what case they shall be made slaves, 849: (14) Duties to be reciprocally paid, 849: (15) Liberty of commerce, contraband excepted; privileges of masters of vessels, 849: (16) Duty of anchorage, 849: (17) Right of having a consul; his privileges, 850: (18) No responsibility for subjects contracting debts, &c., 850: (19) Administration of the effects of a decedent, 850: (20) Consul's jurisdiction over his countrymen, 850: (21) Punishment of personal assaults, 850: (22) Trial of disputes on civil matters between them, 850: (23) In case of national differences, accommodation is to be attempted before recourse is had to arms, 851.

CONVENTION TO ALTER ARTICLES OF PEACE AND FRIENDSHIP OF AUGUST, 1797: *Concluded February 24, 1824; Ratification advised by Senate January 13, 1825; Ratified by President; Proclaimed January 21, 1825.* (8 St. at L., 298.)

- (6) Regulation of visits at sea; slaves escaping and taking refuge on board of American ships of war, to be free, 852: (11) Salutes to ships of war, 852: (12) Commerce to be on an equal footing with citizens of the most favored nations; rules as to freight; no captain to be detained against his consent, 853. Protection of the citizens of the respective nations; preference to Tunisian vessels for freight, 854: (14) Trade between parties to be on an equal footing, 854.

TWO SICILIES.

[See "Notes," Title, "Abrogated, Suspended, or Obsolete Treaties."]

CONVENTION TO TERMINATE RECLAMATIONS FOR DEPREDATIONS ON AMERICAN COMMERCE BY MURAT IN 1809, 1810, 1811, AND 1812: *Concluded October 14, 1832; Ratification advised by Senate January 19, 1833; Ratified by President; Ratifications exchanged at Naples June 8, 1833; Proclaimed August 27, 1833.* (8 St. at L., 442.)

- (1) Agreement to pay the United States for spoiliations on American property, 855: (2) To be paid in nine equal instalments, 856: (3) Ratifications to be exchanged in eight months, 856.

TREATY OF COMMERCE AND NAVIGATION: *Concluded December 1, 1845; Ratification advised by Senate April 11, 1846; Ratified by President April 14, 1846; Ratifications exchanged at Naples June 1, 1846; Proclaimed July 24, 1846.* (9 St. at L., 833.)

- (1) To be a reciprocal liberty of commerce and navigation, 857: No higher duties to be imposed on importations into either country of articles from the other, than from any other country, 857: Favors granted by either party to other nations to be common to the other, 857: (2) Equalization of duties, &c., on imports and exports, 857: (3) Equalization of tonnage, harbor, and light-house duties, 857: (4) Stipulations of this treaty not to apply to the coasting trade, 857: (5) No preference to be given by either party, in purchases for government, to importations on account of the national character of vessels in which imported, 858: (6) Liberty of residence, &c., secured; citizens and subjects of either party may dispose of their personal property by will, gift or otherwise, and their heirs may succeed to and take possession of the same, &c., 858: In absence of the heirs their goods shall receive the same care as those of natives, 858: Disputes concerning inheritances to be settled by local law, 858: They shall not be obliged to pay higher taxes than are paid by citizens of most favored nations, 858: Shall be exempt from military service, forced loans, &c., 858: Dwellings to be respected, 858: No arbitrary search of houses, or examination of papers allowed, 858: Rights of property guaranteed, 859: (7) Citizens and subjects of each party, in the country of the other, may manage their own affairs, or select their own agents, &c., 859: Absolute freedom given to buyers and sellers to bargain together, 859: (8) Each party may appoint consuls, &c., to enjoy the same privileges as those of the most favored nations; but consuls engaging in commerce placed on same footing as private individuals; consuls, &c., authorized to require assistance of local authorities, for arrest, &c., of deserting seamen; how demand for the deserters shall be made; how deserters shall be disposed of when arrested, 859: (9) Vessels of either party wrecked on the coast of the other, and merchandise saved therefrom, shall be restored to owners; goods found on board such wrecked vessels, how to be disposed of; legal claims on such wreck to be referred to competent tribunals of the country, 860: (10) Vessels of either party, forced by stress of weather into the ports of the other, exempt from port charges, provided they do not engage in commerce, 860: Loading or unloading, in certain cases, not considered as engaging in commerce, 861: (11) Every difference of duty to cease and be abolished, 860: "Most favored nation" clause, 860: Duties on red and white wines, 861: Cottons of the United States, 861: (12) This treaty to be in force ten years, and until twelve months after either party give notice, &c., 861: (13) To be ratified, and ratifications to be exchanged six months from the date of its signature, 861.

CONVENTION RELATIVE TO RIGHTS OF NEUTRALS AT SEA: *Concluded January 13, 1855; Ratification advised by Senate March 3, 1855; Ratified by President March 20, 1855; Ratifications exchanged at Washington July 14, 1855; Proclaimed July 16, 1855.* (11 St. at L., 607.)

- (1) Free ships to make free goods, except contraband, 862: Neutral property, in enemies' vessels to be free, except contraband, 862: These principles to be applied to all who will adopt them, 862: (2) Understanding as to application and extension of these principles, 862: To be taken henceforth as a rule to judge of neutrality, 862: (3) Other nations may accede to the above principles, 862: (4) Ratifications, how to be made and exchanged, 862.

CONVENTION OF AMITY, COMMERCE, AND NAVIGATION, AND FOR EXTRADITION OF CRIMINALS: *Concluded October 1, 1855; Ratification advised by Senate, with amendments, August 13, 1856; Ratified by President August 20, 1856; Ratifications exchanged at Naples November 7, 1856; Proclaimed December 10, 1856.* (11 St. at L., 639.)

- (1) Peace established, 864: Stipulation for withdrawal of persons and property in case of war, 864: (2) Stipulations as to blockades, 864: Definition of blockades, 864: (3) Definition of contraband, 864: Vessel and other goods not forfeited with the contraband, 865: (4) Rights of travellers, 865: (5) Exemption of citizens of each country in the other from contributions, military service, &c., 865: (6) Commercial rights, 865: (7) Succession to property of deceased persons, 866: Trial of cases, 866: (8) Liberty of commerce and navigation, 866: (9) National

CONVENTION OF AMITY, COMMERCE, AND NAVIGATION, AND FOR EXTRADITION OF CRIMINALS, 1855—Continued.

character of vessels, how established, 867: (10) Right to export and import, 867: (11, 12, 13) Stipulation as to discriminating as to trade, 867-868: (14) Against discriminating duties, 868: (15) Rights of the "most favored nation" granted, 868: (16) Stipulations as to vessels forced into ports by stress of weather, &c., 868: (17) Wrecks, 869: (18) Privileges of consuls, &c., 869: (19) Consuls, &c., may arbitrate between masters and crews, 869: (20) Deserters from vessels, 870: (21 and 22) Extradition of criminals, 870: (23) Surrender to be made by the Executive; expenses, 871: (24) Not to apply to citizens or to political offences or retrospectively, 871: (25) Duration of treaty, 871: (26) Ratifications, 871: Explanatory declaration, 872.

VENEZUELA.

[See "Notes," Title, "Abrogated, Suspended, or Obsolete Treaties."]

TREATY OF PEACE, FRIENDSHIP, NAVIGATION, AND COMMERCE: *Concluded January 20, 1836; Ratification advised by Senate March 23, 1836; Ratified by President April 20, 1836; Ratifications exchanged at Caracas, May 31, 1836; Proclaimed June 20, 1836. (8 St. at L., 466.)*

- (1) Peace and friendship established, 873: (2) Favors to commerce to be common to both parties, 873: (3) Mutual benefits in trade and residence, 873: (4) Equalization of duties on vessels and their cargoes, 874: (5) Characteristics of a Venezuelan vessel, 874: (6) Importations and exportations to be on an equal footing, 874: (7) Citizens of both nations to be on an equality, 875: (8) No embargo without allowing indemnification, 875: (9) Citizens to be treated as friends in case of a compulsory resort for refuge or asylum in the rivers, &c., 875: (10) Captures by pirates, 875: (11) Protection in case of wreck, 875: (12) Power to dispose of property within the jurisdiction of the contracting parties, 876: (13) Protection to persons and property, 876: (14) Liberty of conscience and rights of worship secured, 876: (15) Both parties at liberty to trade with those at enmity with either; free ships to make free goods; free ships to make free persons; proviso, 877: (16) Enemies' property, to be protected by a neutral flag, must be shipped before the declaration of war; regulations, 877: (17) Contraband goods specified, 877: (18) Goods not contraband, as specified in article 17, to be considered as free, 878: (19) Contraband goods, only, liable to confiscation, and vessels to proceed after the goods are taken out, 878: (20) Notice of blockade; vessels entering before blockade may quit unmolested, 878: (21) Examination of vessels at sea, 879: (22) One of the parties being engaged in war, vessels of the other to be provided with sea-letters, &c., 879: (23) Visiting regulations to apply only to vessels without convoy, 879: (24) Prize courts only to try prize causes, 879: (25) The neutral party not to accept a commission to cruise against the other, 880: (26) Time to be allowed, in case of war between the parties, for removal and sale of property, 880: (27) No sequestration of money in bank or public funds to be allowed, 880: (28) Regulation of official intercourse, 880: (29) Each party to have consuls, &c., in each other's ports, 880: (30) Consuls, &c., must exhibit their commissions, 881: (31) Immunities of consuls, &c., 881: (32) Consuls may require the aid of the civil authorities to arrest deserters; deserters must be sent back within two months, 881: (33) Consular convention to be formed, 881: (34) Treaty to remain in force for twelve years; individuals personally responsible for infringements; war not to be declared until remonstrance is made, and satisfaction refused; existing treaties not to be affected; to be ratified within eight months, 882.

CONVENTION FOR SETTLEMENT OF AVES ISLAND CLAIMS: *Concluded January 14, 1859; Ratification advised by Senate, with amendment, June 26, 1860; Ratification advised by Senate February 21, 1861; Ratified by President February 26, 1861. (17 St. at L., 803.)*

- (1) \$130,000 to be paid to United States to settle claims of Shelton, Tappan & Sampson, and Lang & Delano, 883: (2) Terms upon which payment is to be made, 883: (3) Government and citizens of United States to desist from further claims to the Island of Aves, 884: (4) Ratifications, 884.

TREATY OF AMITY, COMMERCE, AND NAVIGATION: *Concluded August 27, 1860; Ratification advised by Senate February 12, 1861; Ratified by President, February 25, 1861; Ratifications exchanged at Caracas, August 9, 1861; Proclaimed September 25, 1861. (12 St. at L., 1143.)*

- (1) Peace and friendship, 885: In case of war, 885: Passports, 885: (2) Military service, loans, &c., 885: (3) Right to reside, transact business, &c., 886: To employ agents, 886: Access to judicial tribunals, 886: (4) Liberty of conscience, burials, &c., 886: (5) Personal property, succession, 886: Real estate,

TREATY OF AMITY, COMMERCE, AND NAVIGATION, 1860—Continued.

887: (6) Imports and duties, 887: Exports, 887: (7) Coasting-trade reserved to citizens, 887: (8) National character of vessels, 887: (9) Duties, 888: No prohibitions, 888: Privileges of most favored nation, 888: (10) Discriminating duties, 888: (11) Wrecks, &c., 888: (12) Right of neutrals, 888: Blockade, notice, 889: Right to leave, 889: (13) Contraband of war, 889: (14) Free ships make free goods, 889: (15) Merchant-ships on the high seas, 889: (16) Passport, 890: Contraband, 890: In case of no passport, 890: If master of ship dies, 890: (17) Examination of vessels by ships of war, 890: (18) Ships under convoy not to be visited, 891: (19) Duty in case of captured vessels, 891: (20) Master, &c., of captured ship not to be removed, &c., 891: Crew and passengers, 891: (21) Courts for prize causes, decree, 891: (22) Commanders of ships of war and privateers responsible for damages, 892: Bonds, commanders of privateers to give, 892: (23) Prizes, &c., shall not be seized, 892: (24) Enemies' privateers, 892: (25) Letters of marque, 893: (26) Consuls and vice-consuls, 893: Arbitrators, in what cases, 893: To arrest deserters, 893: (27) Fugitives from justice, 894: (28) Crimes for which surrender is allowed, 894: (29) Executive authority alone to surrender, 894: (30) Political offences, not to apply to, 894: (31) Convention to continue eight years, 894: (32) Ratifications, 895.

CONVENTION FOR ADJUSTMENT OF CLAIMS UPON VENEZUELA: *Concluded April 25, 1866; Ratification advised by Senate July 5, 1866; Ratified by President August 8, 1866; Ratifications exchanged at Caracas April 17, 1867; Proclaimed May 29, 1867.* (16 St. at L., 713.)

- (1) Venezuela, claims upon, 895: Commissioners, 895: Vacancies, &c., how filled, 895: Commissioners, when and where to meet, 896: Umpire, 896: (2) Commissioners to examine claims, 896: Papers and documents, 896: Proceedings, 896: Decision, 896: (3) Award, how to be paid, 896: Interest, 896: (4) Commission, when to terminate, 897: Records, &c., 897: (5) Decision to be final, 897: Claims not presented, 897: Cases pending at close of commission, 897: (6) Expenses of commission, 897: (7) Ratifications, 897.

WÜRTTEMBERG.

CONVENTION FOR ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION: *Concluded April 10, 1844; Ratification advised by Senate June 12, 1844; Ratified by President June 24, 1844; Ratifications exchanged at Berlin October 3, 1844; Proclaimed December 16, 1844.* (8 St. at L., 588.)

- (1) Droit d'aubaine, &c., abolished, 898: (2) Heirs to real property allowed time to sell the same, &c., 898: (3) Duties on disposal of personal property, the same as paid by the inhabitants, 898: (4) Property of absent heirs to be taken care of, 899: (5) Disputes to be decided by the local laws, 899: (6) Property not yet withdrawn embraced, 899: (7) Convention subject to ratification within twelve months, 899.

DECLARATION OF ACCESSION TO CONVENTION OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, FOR EXTRADITION OF CRIMINALS: *Dated October 13, 1853; Proclaimed December 27, 1853.—899.* (10 St. at L., 971.)

CONVENTION RELATIVE TO NATURALIZATION AND FOR EXTRADITION OF CRIMINALS: *Concluded July 27, 1868; Ratification advised by Senate April 12, 1869; Ratified by President April 18, 1869; Ratifications exchanged at Stuttgart August 17, 1869; Exchange of ratifications consented to by Senate March 2, 1870; Proclaimed March 7, 1870.* (16 St. at L., 735.)

- (1) When citizens of Württemberg are to be treated as American citizens, 900: Vice versa, 900: Declaration of intention not to effect naturalization, 900: (2) Naturalized citizens liable for offences committed before emigration, 900: (3) Extradition, 900: (4) Recovery of citizenship in original country, 900-901: (5) Duration of convention, 901: (6) Ratifications, 901.

32



This book should be returned to the Library on or before the last date stamped below.
A fine of five cents a day is incurred by retaining it beyond the specified time.
Please return promptly.

RECEIVED
BOOK DUE - WID 978
OCT 28 1978
STALL ST. CHARGE
MEN
25

DEC 13 1978

BOOK DUE - WID
CANCE
NOV 5 1978
NOV 30 1978
62 84 7
BOOK DUE - WID 978
JAN 5 1979
RECEIVED
DEC 13 1978

